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FILE NO. 031073 MOTION NO. M03-101

[Extending the San Francisco Zoo Audit Select Committee.]

Motion extending the San Francisco Zoo Audit Select Committee.

WHEREAS, The Board of Supervisors of the City and County of San Francisco established a San Francisco Zoo Audit Select Committee to review and implement recommendations of the Budget Analyst's performance audit of the San Francisco Zoo prepared for the Board of Supervisors in January 2000, and,

WHEREAS, The San Francisco Zoo Audit Select Committee held its initial meeting on June 3, 2003; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby extend the San Francisco Zoo Audit Select Committee to meet for a period of 90 days from its initial meeting.

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Motion

File Number: 031073 **Date Passed:** June 17, 2003

Motion extending the San Francisco Zoo Audit Select Committee.

June 17, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 1 - McGoldrick

File No. 031073

I hereby certify that the foregoing Motion was APPROVED on June 17, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 030887 MOTION NO. M03-102

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[Affirm adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project]

Motion affirming the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project.

WHEREAS, The project sponsor for the O'Shaughnessy Dam Discharge Modification Project (the "Project") submitted its application for environmental review of the Project on May 8, 2002 (City Planning File No. 2002.0475E); and

WHEREAS, The San Francisco Planning Department (the "Department") issued a preliminary mitigated negative declaration for this Project on February 8, 2003, and amended that preliminary mitigated negative declaration on May 1, 2003 (the "negative declaration"). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. and is incorporated by reference herein; and

WHEREAS, On March 10, 2003, the negative declaration was timely appealed to the San Francisco Planning Commission (the "Commission"); and

WHEREAS, On May 1, 2003, the Commission held a duly noticed public hearing on the negative declaration appeal; and

WHEREAS, On said date, the Commission reviewed and considered the preliminary mitigated negative declaration, as amended, the appeal letters, a responses to concerns document that the Department prepared, and public testimony. By Motion No.16573, the Commission found that the contents of the negative declaration and the procedures through which it was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act (Cal. Pub. Res. Code sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code Regs. Title 14, sections 15000 et seq., ("CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

WHEREAS, By said Motion No.16573, the Commission found the negative declaration reflected its independent judgment and analysis and was adequate, accurate, and objective, and adopted the negative declaration in compliance with CEQA, the State CEQA Guidelines, and Chapter 31. Said motion is on file with the Clerk of the Board in File No. 030886 and is incorporated by reference herein; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 9, 2003, Ron Good of Restore Hetch Hetchy filed an appeal of the negative declaration to the Board of Supervisors; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 15, 2003, John Rizzo of the Sierra Club filed an appeal of the negative declaration to the Board of Supervisors; and

WHEREAS, The Clerk of the Board of Supervisors received these appeal letters on May 9, and May 15, 2003 respectively; and

WHEREAS, On June 10, 2003, this Board held a duly noticed public hearing to consider the appeal of the negative declaration; and

WHEREAS, This Board has reviewed and considered the negative declaration and heard testimony and received public comment regarding the adequacy of this document; and

WHEREAS, The negative declaration files and all correspondence and other documents have been made available for review by this Board, the Commission and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; and

WHEREAS, Since the Planning Commission action on the negative declaration, there is no new information of significance that would require a substantial revision to the negative declaration and necessitate recirculation of said document pursuant to CEQA Guideline section 15073.5; and

WHEREAS, The negative declaration describes the project as consisting of a modification to the piping at O'Shaughnessy Dam that controls discharge to the existing 108-inch Canyon Power Tunnel pipeline (or penstock) at the base of the dam by constructing a new 60-inch pipeline to allow withdrawal of water from a higher level in the reservoir, to be used when turbidity in the reservoir is above the allowable level and to increase the reliability of the existing outletand reduce head loss; and

WHEREAS, The negative declaration further describes the project as not increasing the capacity of the existing Hetch Hetchy Reservoir or discharge volumes and does not describe the project as potentially reducing spills from the O'Shaughnessy Dam or as diverting water from the Tuolumne River between the Hetch Hetchy Reservoir and the Kirkwood Powerhouse; and

WHEREAS, The Planning Department's June 5, 2003 memorandum to the Board of Supervisors describes the potential capacity of the proposed 60-inch and existing 108-inch pipelines to divert an additional 40 cubic feet per second of water from the Hetch Hetchy Reservoir if both pipes are fully opened during abundant water conditions, but the negative declaration does not describe the project as including such a potential operation of the proposed and existing pipelines; and

WHEREAS, The project sponsor has indicated that it intends to restrict the diversion of water at O'Shaugnessy Dam to the Canyon Power Tunnel through use of the existing 108-inch outlet at the bottom of the reservoir and only to use the new higher elevation 60-inch outlet in the event of water quality problems or to the extent that the existing 108-inch outlet cannot be used due to an unforseen event or required maintenance; and

WHEREAS, Any change in any level of spill from the O'Shaughnessy Dam or diversion of water from the Tuolumne River between the Hetch Hetchy Reservoir and the Kirkwood Powerhouse as a result of the simultaneous operation of both the proposed 60-inch pipeline and the existing 108-inch pipeline would require additional environmental review in compliance with CEQA; now, therefore, be it

MOVED, That based on substantial evidence in light of the whole record, this Board of Supervisors finds the negative declaration for the project as described herein reflects its independent judgment and analysis and is adequate, accurate, and objective, and hereby affirms the decision of the Planning Commission in its Motion No. 16573 to adopt the negative declaration in compliance with CEQA, the State CEQA Guidelines, and Chapter 31; and

FURTHER MOVED, That the Board of Supervisors finds that any change in any level of spill from the O'Shaughnessy Dam or diversion of water from the Tuolumne River between the Hetch Hetchy Reservoir and the Kirkwood Powerhouse as a result of the simultaneous operation of both the proposed 60-inch pipeline and the existing 108-inch pipeline would require additional environmental review in compliance with CEQA.

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Motion

File Number: 030887 **Date Passed:** June 24, 2003

Motion affirming the Planning Commission adoption of the negative declaration for the O'Shaughnessy Dam Discharge Modification Project.

June 10, 2003 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Noes: 1 - Sandoval

June 17, 2003 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

June 24, 2003 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

June 24, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

File No. 030887

I hereby certify that the foregoing Motion was APPROVED on June 24, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

File No. 030887

FILE NO. 031083 MOTION NO. M03-103

[Adopting findings related to the conditional use appeal on property located at 2690 Harrison Street (aka 3000 23rd Street).]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2000.1311EC (which allowed the construction of dwelling units in a C-M (Heavy Commercial) zoning district, by demolishing an existing, vacant industrial building and constructing a four-story, 54-unit, 40 foot high residential building) on a site within the Northeast Mission Industrial Zone for property located at 2690 Harrison Street (aka 3000 23rd Street) (Lot 004 in Assessor's Block 3639).

Under the provision of Section 308.1 (b) of the City Planning Code, having determined that they believed there was sufficient public interest and concern in the matter to warrant a hearing before the Board of Supervisors, five members of the Board of Supervisors filed a notice of appeal on April 21, 2003, bringing before the Board the decision of the Planning Commission to approve a conditional use authorization (Conditional Use Application No. 200.1311EC), to allow the construction of dwelling units in a C-M (Heavy Commercial) zoning district pursuant to Planning Code Section 215(a) (by demolishing an existing, vacant industrial building and constructing a four-story, 54-unit, 40 foot high residential building) on a site within the Northeast Mission Industrial Zone for property located at 2690 Harrison Street (aka 3000 23rd Street).

The public hearing before the Board of Supervisors on said appeal was scheduled for May 13, 2003, On May 13, 2003, the Board conducted a duly noticed hearing on the appeal from the Planning Commission's approval referred to in the first paragraph of this motion. Following the conclusion of the public hearing on May 13, the Board continued its consideration of the matter to May 20, 2003. On May 20, 2003, the Board further continued

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its consideration of the matter to June 10, 2003. On June 10, 2003, the Board disapproved the decision of the Planning Commission (Planning Commission Motion No. 16546, dated March 20, 2003) and approved the issuance of requested Conditional Use Application No. 2000.1311EC, subject to the conditions imposed by the Planning Commission, and further subject to additional conditions imposed by the Board of Supervisors.

In reviewing the appeal of the approval of the requested conditional use authorization, this Board reviewed and considered the written record before the Board and all of the public comments made in support of and in opposition to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 16546, dated March 20, 2003; and, be it

FURTHER MOVED, That the Board of Supervisors took notice that a preliminary Mitigated Negative Declaration (PMND) was issued by the Planning Department on April 27, 2002. An appeal of the PMND was heard before the Planning Commission on June 27, 2002, when the final Mitigated Negative Declaration was adopted, the Commission finding that the project would have no significant impact on the environment. On June 10, 2003, the Board of Supervisors certified that it had reviewed the Final Mitigated Negative Declaration, and adopted as its own the findings of the Planning Commission. The Board further finds that there have been no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the Final Mitigated Negative Declaration that the proposed Project would have no significant impact on the environment.

FURTHER MOVED, That at the June 10, 2003, Board meeting the project sponsor modified the project consistent with plans filed by the sponsor with the Planning Commission that provide for construction of a total of one (1) studio unit, forty (40) one-bedroom units and thirteen (13) two-bedroom units. The project sponsor further agreed to fulfill the 12 % on-site inclusionary housing requirement of Planning Code Sections 315 et seq. through the production of four (4) one-bedroom units and three (3) two-bedroom units.

FURTHER MOVED, That at the June 10, 2003, meeting the Board of Supervisors urged in its decision that the project sponsor maintain and accept applicants from waiting lists of the San Francisco Housing Authority (SFHA) Section 8 and San Francisco Redevelopment Agency (SFRA) HOPWA (Housing Opportunity for People with AIDS) eligible voucher recipients for up to three (3) market rate units as market rate units. It shall be the sole responsibility of the SFHA and the SFRA to refer to the project sponsor eligible Section 8 and HOPWA applicants pursuant to this provision.

FURTHER MOVED, That the project, as approved by the Planning Commission, called for 1 studio unit, 43 one-bedroom units, and 11 two-bedroom units. The decision of the Board of Supervisors to adopt as an additional condition the project sponsor's revised project will increase the number of two-bedroom units from 11 to 13, and decrease the number of one-bedroom units from 43 to 40.

FURTHER MOVED, That the project, as approved by the Planning Commission, called for seven Below Market Rate (BMR) units. The decision of the Board of Supervisors adopts as an additional condition the project sponsor's revised project to provide that four of these BMR units shall be one-bedroom units, and three shall be two-bedroom units.

FURTHER MOVED, That the Board of Supervisors finds that by increasing the number of two-bedroom units in the project, and by assuring that at least three of the seven Below Market Rate units will be two-bedroom units, and that the other four BMR units will be at least one-bedroom units, the project will make available more badly-needed units suitable for families, including Inclusionary Affordable Housing units. The Board further finds that a higher proportion of families live in this area of the City than in some other areas of the City, and that there is a shortage of larger units suitable for families in this area of the City. These alterations to the project will better meet identified housing needs and take into account the demand for affordable housing (Planning Code Section 303).

FURTHER MOVED, That at its June 10, 2003, meeting the Board of Supervisors disapproved the decision of the Planning Commission, approved the issuance of requested Conditional Use Application No. 2000.1311EC, approved and imposed the conditions of the Planning Commission in its Motion No. 16546, and imposed the additional conditions set forth above in this motion.

FURTHER MOVED, That with the imposition of the additional conditions, as listed above, the Board of Supervisors finds that the project, as revised, will meet the requirements of Planning Code Section 303. The revised project will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community, and that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, and that such use will not adversely affect the General Plan.

FURTHER MOVED, That, on balance, the project, as revised by the Board of Supervisors, is consistent with the objectives and policies of the General Plan, and is consistent with the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, disapproved the decision of the Planning Commission by its Motion No. 16546, dated March 20, 2003, and approved the issuance of Conditional Use Application No. 2000.1311EC on property located at 2690 Harrison Street (aka 3000 23rd Street), subject to the conditions imposed by the Planning Commission and the additional conditions imposed by the Board of Supervisors on June 10, 2003, as referred to earlier in this motion.

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Tails

Motion

File Number: 031083 **Date Passed:** June 24, 2003

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2000.1311EC (which allowed the construction of dwelling units in a C-M (Heavy Commercial) zoning district, by demolishing an existing, vacant industrial building and constructing a four-story, 54-unit, 40 foot high residential building) on a site within the Northeast Mission Industrial Zone for property located at 2690 Harrison Street (aka 3000 23rd Street) (Lot 004 in Assessor's Block 3639).

June 16, 2003 Board of Supervisors — REFERRED: Board of Supervisors

June 24, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

File No. 031083

I hereby certify that the foregoing Motion was APPROVED on June 24, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

File No. 031083

FILE NO. 031087 **MOTION NO.** M03-104

[Final Map for a 6 Unit Residential Condominium Project]

Motion approving Final Map of 223 – 231 Dolores Street, A Residential Condominium Project, being a subdivision of Lot 237 in Assessor's Block No. 3556, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 223 – 231 Dolores Street, A Residential Condominium Project", being a subdivision of Lot 237, Portion of Assessor's Block No. 3556, comprising 4 sheets, approved the 11th day of June, 2003 by Department of Public Works Order No. 174,183, be and the same is hereby approved and adopted as the Official Map of 223 – 231 Dolores Street, A Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated January 14, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Motion

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File Number: 031087 **Date Passed:** June 24, 2003

Motion approving Final Map of 223 – 231 Dolores Street, A Residential Condominium Project, being a subdivision of Lot 237 in Assessor's Block No. 3556, and adopting findings pursuant to Planning Code Section 101.1.

June 24, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

File No. 031087

I hereby certify that the foregoing Motion was APPROVED on June 24, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031088 MOTION NO. M03-105

[Final Map for a 54 Unit Live/Work Condominium Project]

Motion approving Final Map of One Bluxome Street, A Live/Work Condominium Project, being a subdivision of Lot 103 in Assessor's Block No. 3786, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of One Bluxome Street, A Live/Work Condominium Project", being a subdivision of Lot 103, Portion of Assessor's Block No. 3786, comprising 9 sheets, approved the 11th day of June, 2003 by Department of Public Works Order No. 174,191, be and the same is hereby approved and adopted as the Official Map of One Bluxome Street, A Live/Work Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated June 8, 2001, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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File Number: 031088 **Date Passed:** June 24, 2003

Motion approving Final Map of One Bluxome Street, A Live/Work Condominium Project, being a subdivision of Lot 103 in Assessor's Block No. 3786, and adopting findings pursuant to Planning Code Section 101.1.

June 24, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

File No. 031088

I hereby certify that the foregoing Motion was APPROVED on June 24, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031089 **MOTION NO.** M03-106

[Final Map for a 10 Unit Live/Work Condominium Project]

Motion approving Final Map of 2221 – 26th Street, A Live/Work Condominium Project, being a subdivision of Lot 17 in Assessor's Block No. 4329, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 2221 – 26th Street, A Live/Work Condominium Project", being a subdivision of Lot 17, Portion of Assessor's Block No. 4329, comprising 7 sheets, approved the 11th day of June, 2003 by Department of Public Works Order No. 174,190, be and the same is hereby approved and adopted as the Official Map of 2221 – 26th Street, A Live/Work Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated October 16, 2001, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

City and County of San Francisco

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Tails

Motion

File Number: 031089 **Date Passed:** June 24, 2003

Motion approving Final Map of 2221 – 26th Street, A Live/Work Condominium Project, being a subdivision of Lot 17 in Assessor's Block No. 4329, and adopting findings pursuant to Planning Code Section 101.1.

June 24, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Peskin, Sandoval
Absent: 1 - Newsom
Excused: 2 - Maxwell, McGoldrick

File No. 031089

I hereby certify that the foregoing Motion was APPROVED on June 24, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031129 MOTION NO. M03-107

[Adopting findings related to the appeal of the CEQA determination by the Planning Department for the Wharf J-10 project.]

Motion adopting findings related to the appeal of the determination by the Planning Department that the Wharf J-10 project was statutorily exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency.

On April 15, 2003, the Environmental Review Officer of the Planning Department determined that the proposed work for Wharf J-10 was excluded from review under the California Environmental Quality Act ("CEQA") because the proposed work consisted of specific actions necessary to prevent or mitigate an emergency as provided in California Public Resources Code Section 21080(b)(4) and the CEQA Guidelines, 14 California Code of Regulations Section 15269(c). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 030838 and is incorporated by reference herein.

By letter to the Clerk of the Board of Supervisors dated May 6, 2003 F. Alioto Fish Company appealed the Planning Department's determination that the work for Wharf J-10 was excluded from review under the California Environmental Quality Act. The Clerk of the Board of Supervisors received this appeal letter on or around May 6, 2003.

This Board held a duly noticed public hearing on the appeal on June 10, 2003. Following the conclusion of the public hearing, the Board disapproved the decision of the Planning Department approving a statutory exemption for the proposed work on Wharf J-10, based on the written record before the Board in File No. 030838, which is hereby declared to be a part of this motion as if set forth fully herein, as well as all of the facts and circumstances concerning the Planning Department determination and deliberation of the oral and written testimony at the public hearing by all parties and the public in support of and opposed to the

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appeal

MOVED, That the Board of Supervisors finds that the letter of June 6, 2003 to John Callan Jr. from Richard C. Dreyer, a structural engineer with HolmesCulley ("HolmesCulley letter"), provides sufficient evidence to support the conclusion that the complete demolition of the Wharf J-10 building and substructure is not necessary to prevent or mitigate an emergency within the meaning of California Public Resources Code Section 21080(b)(4) and the CEQA Guidelines, 14 California Code of Regulations Section 15269(c).

FURTHER MOVED, That the Board of Supervisors finds that the HolmesCulley letter provides evidence that partial demolition and further temporary shoring may be an alternative solution to prevent collapse of the adjacent structure within Wharf J-10 and to prevent damage to adjacent property to the West.

FURTHER MOVED, That the Board of Supervisors finds that the HolmesCulley letter provides evidence that monitoring the area regularly for unauthorized occupants and for structural safety may reduce safety concerns and allow changes in stability to be identified and appropriate action initiated as necessary.

FURTHER MOVED, That the Board of Supervisors, after carefully considering the evidence presented, disapproved the determination of the Planning Department that the demolition of the entire Wharf J-10 structure is necessary to prevent or mitigate an emergency within the meaning of California Public Resources Code Section 21080(b)(4) and the CEQA Guidelines, 14 California Code of Regulations Section 15269(c).

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Tails

Motion

File Number: 031129 **Date Passed:** July 8, 2003

Motion adopting findings related to the appeal of the determination by the Planning Department that the Wharf J-10 project was statutorily exempt from the California Environmental Quality Act as specific actions necessary to prevent or mitigate an emergency.

June 26, 2003 Board of Supervisors — REFERRED: Board of Supervisors

July 8, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

File No. 031129

I hereby certify that the foregoing Motion was APPROVED on July 8, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031148 MOTION NO. M03-108

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days, and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Motion

File Number: 031148 **Date Passed:** July 8, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

July 8, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

File No. 031148

I hereby certify that the foregoing Motion was APPROVED on July 8, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031164 MOTION NO. M03-109

[Tabling the appeal of the categorical exemption issued for 948-950 Lombard Street]

Motion tabling the appeal of the determination by the Planning Department that the proposed project located at 948-950 Lombard Street is categorically exempt from the California Environmental Quality Act as a minor alteration of an existing structure, new construction or conversion of small structures, and restoration of an historical resource.

WHEREAS, On May 7, 2003, the Planning Department determined that the proposed work at 948-950 Lombard Street (aka 841 Chestnut Street) was exempt from review under the California Environmental Quality Act ("CEQA") under three different categorical exemptions contained in the CEQA Guidelines, 14 California Code of Regulations Sections 15301, 15303 and 15331 as a minor alteration of an existing structure, new construction or conversion of small structures, and restoration of an historical resource; and,

WHEREAS, On May 27, 2003 Appellant Joseph Butler appealed the Planning Department's determination that the proposed project was exempt from CEQA review, and

WHEREAS, the Environmental Review Officer has informed the Board that incorrect geotechnical information was used to analyze the original determination of exemption, and

WHEREAS, On June 18, 2003 the Environmental Review Officer asked this Board to table the appeal because the Planning Department wished to rescind the determination of exemption to reconsider the determination in light of new, corrected geotechnical information and

WHEREAS, On June 27, 2003 the Appellant, F. Joseph Butler, informed this Board that he had no objection to tabling the appeal on the understanding that the Planning Department intended to rescind the determination of exemption to reconsider the determination in light of new, corrected geotechnical information; now, therefore, be it

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Moved: This Board hereby tables the appeal of the determination by the Planning Department that the proposed project located at 948-950 Lombard Street is categorically exempt from the California Environmental Quality Act as a minor alteration of an existing structure, new construction or conversion of small structures, and restoration of an historical resource under CEQA Guidelines, 14 California Code of Regulations Sections 15301, 15303, and 15331

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031164 **Date Passed:** July 8, 2003

Motion tabling the appeal of the determination by the Planning Department that the proposed project located at 948-950 Lombard Street is categorically exempt from the California Environmental Quality Act as a minor alteration of an existing structure, new construction or conversion of small structures and restoration of an historical resource.

July 8, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin
Absent: 1 - Sandoval
Excused: 1 - Newsom

File No. 031164

I hereby certify that the foregoing Motion was APPROVED on July 8, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 030897 MOTION NO. M03-110

[Affirming the exemption/exclusion issued for Secondary Unit Ordinance]

Motion affirming the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from environmental review under the California Environmental Quality Act.

WHEREAS, City Planning mailed a Notification of Project Receiving Environmental Review for the Secondary Unit Ordinance ("Project") on May 21, 2002 to potentially interested parties, (City Planning File No. 2002.0418E); and

WHEREAS, The Environmental Review Officer of the San Francisco Planning Department issued a certificate of determination of exemption/exclusion from environmental review for the Project on April 23, 2003 (the "determination"). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 030896, and is incorporated by reference herein; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 14, 2003, Preserve Our Neighborhoods filed an appeal of the determination to the Board of Supervisors which the Clerk of the Board of Supervisors received on or around May 14, 2003; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 23, 2003, Mr. Bud Wilson filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around May 23, 2003; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 31, 2003, the Coalition for San Francisco Neighborhoods filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around June 2, 2003; and

WHEREAS, On June 17, 2003, this Board held a duly noticed public hearing to consider the consolidated appeals of the determination; and

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WHEREAS, This Board has reviewed and considered the determination, the appeal letters, the responses to concerns document that the Department prepared, and public testimony, and

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from environmental review.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 030897 **Date Passed:** July 15, 2003

Motion affirming the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from environmental review under the California Environmental Quality Act

June 17, 2003 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

July 15, 2003 Board of Supervisors — APPROVED

Ayes: 6 - Ammiano, Daly, Dufty, Gonzalez, Maxwell, Peskin
Noes: 5 - Hall, Ma, McGoldrick, Newsom, Sandoval

File No. 030897

I hereby certify that the foregoing Motion was APPROVED on July 15, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Gloria L. Young
Clerk of the Board

FILE NO. 030899 MOTION NO. M03-111

[Preparation of findings related to the exemption/exclusion appeal for Secondary Unit Ordinance]

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from the California Environmental Quality Act.

WHEREAS, City Planning mailed a Notification of Project Receiving Environmental Review for the Secondary Unit Ordinance ("Project") on May 21, 2002 to potentially interested parties, (City Planning File No. 2002.0418E); and

WHEREAS, The Environmental Review Officer of the San Francisco Planning Department issued a certificate of determination of exemption/exclusion from environmental review for the Project on April 23, 2003 (the "determination"). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 030896, and is incorporated by reference herein; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 14 2003 Preserve Our Neighborhoods filed an appeal of the determination to the Board of Supervisors which the Clerk of the Board of Supervisors received on or around May 14 2003; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 23, 2003, Mr Bud Wilson filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around May 23, 2003; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated May 31, 2003, the Coalition for San Francisco Neighborhoods filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around June 2 2003; and

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WHEREAS, On June 17, 2003, this Board held a duly noticed public hearing to consider the consolidated appeals of the determination. Following the conclusion of the public hearing, the Board rendered a decision on the use of the exemption/exclusion for the Secondary Unit Ordinance based on the written record before the Board in File No. , which is hereby declared to be a part of this motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the appeals; and

WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now, therefore, be it

MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the use of the exemption/exclusion for the Secondary Unit Ordinance.

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 030899 **Date Passed:** July 15, 2003

Motion directing the Clerk of the Board to prepare findings related to the appeal of the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from the California Environmental Quality Act.

June 17, 2003 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

July 15, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 030899

I hereby certify that the foregoing Motion was APPROVED on July 15, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 031128 MOTION NO. M03-112

[Environmental Review]

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property 270-284 Valencia Street/17 Brosnan Street.

MOVED, That on January 16, 2003, the Planning Department adopted and issued a Final Mitigated Negative Declaration at 270-284 Valencia Street/17 Brosnan Street, making a finding that the project would have no significant impact on the environment; and be it

FURTHER MOVED, That this Board of Supervisors certifies that it has reviewed said Final Negative Declaration and adopts as its own the findings of the Planning Department

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Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031128 **Date Passed:** July 15, 2003

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property 270-284 Valencia Street/17 Brosnan Street.

July 15, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031128

I hereby certify that the foregoing Motion was APPROVED on July 15, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 031135 MOTION NO. M03-113

[Zoning Appeal]

Motion approving decision of the Planning Commission by its Motion No. 16579, approving Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the decision of the Planning Commission by its Motion No. 16579 dated May 15, 2003, approving Conditional Use Application No. 2002.0333C approving a conditional use authorization under (1) Planning Code Section 215, allowing the construction of 28 dwelling units in a C-M District; (2) Under Board of Supervisors' Resolution 500-02, allowing the construction of a housing project fewer than 25-percent below market rate units and, (3) Board of Supervisors' Resolution 500-02, allowing the demolition of a building in the Northeast Mission Industrial Zone that has contained Production, Distribution and Repair (PDR) businesses since August 5, 1999, on property located at:

270-284 Valencia Street/17 Brosnan Street, west side of Valencia Street
between 14th and Brosnan Streets; Lot 9, in Assessor's Block 3533

be and the same is approved.

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Motion

File Number 031135 **Date Passed:** July 15, 2003

Motion approving decision of the Planning Commission by its Motion No. 16579, approving Conditional Use Application No 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, and adopting findings pursuant to Planning Code Section 101.1.

July 15, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031135

I hereby certify that the foregoing Motion was APPROVED on July 15, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gullenga

for Gloria L. Young
Clerk of the Board

FILE NO. 031137 MOTION NO. M03-114

[Findings]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, for action by the Board at its next meeting.

IT IS HEREBY MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to proposed Conditional Use Application No 2002.0333C, on property located at 270-284 Valencia/17 Brosnan Street, for action by the Board at its next meeting.

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Motion

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File Number: 031137 **Date Passed:** July 15, 2003

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia/17 Brosnan Street, for action by the Board at its next meeting.

July 15, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031137

I hereby certify that the foregoing Motion was APPROVED on July 15, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 031157 MOTION NO M03-115

[Port Management Audit.]

Motion directing the Budget Analyst to conduct a management audit of the Port of San Francisco on a priority basis.

WHEREAS, The Port of San Francisco has not been audited since 1987, now, therefore, be it

MOVED, That the Board of Supervisors directs the Budget Analyst to conduct a management audit on a priority basis; and, be it

FURTHER MOVED, That the Board of Supervisors directs the Budget Analyst to identify resources in the Port's budget to fund such an audit.

SUPERVISOR DALY
BOARD OF SUPERVISORS

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Tails

Motion

File Number: 031157 **Date Passed:** July 15, 2003

Motion directing the Budget Analyst to conduct a management audit of the Port of San Francisco on a priority basis

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July 8, 2003 Board of Supervisors — CONTINUED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

July 15, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031157

I hereby certify that the foregoing Motion was APPROVED on July 15, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 030555 MOTION NO. M03-116

[Zoning Appeal]

Motion disapproving decision of the Planning Commission by its Motion No. 16534, approving Conditional Use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the decision of the Planning Commission by its Motion No. 16534 dated February 27, 2003 approving a conditional use authorization, Case No. 2002.0575C, to install six panel antennas and related back-up equipment on the PG&E Transformer Station, pursuant to Planning Code Section 209.6(b), within an RH-3 (Residential, House, Three-Family) District and a 50-X Height and Bulk District, located at:

South side of the 3400 Block of 19th Street; Lot 104, in Assessor's Block 3596,

be and the same is disapproved.

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Tails

Motion

File Number: 030555 **Date Passed:** July 22, 2003

Motion disapproving decision of the Planning Commission by its Motion No. 16534, approving Conditional Use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, and adopting findings pursuant to Planning Code Section 101.1.

July 22, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom
Noes: 1 - Peskin
Absent: 2 - Daly, Sandoval

File No. 030555

I hereby certify that the foregoing Motion was APPROVED on July 22, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 030556 MOTION NO. M03-117

[Findings]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, for action by the Board at its next meeting.

IT IS HEREBY MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to proposed Conditional Use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, for action by the Board at its next meeting.

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Tails

Motion

File Number: 030556 **Date Passed:** July 22, 2003

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0575C, on the PG&E Transformer Station located at the south side of the 3400 Block of 19th Street, for action by the Board at its next meeting.

July 22, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin

Absent: 2 - Daly, Sandoval

File No. 030556

I hereby certify that the foregoing Motion was APPROVED on July 22, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for Gloria L. Young
Clerk of the Board

FILE NO. 030958 MOTION NO. M03-118

[Zoning Appeal]

Motion disapproving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the decision of the Planning Commission by its Motion No.16571 dated May 1, 2003 approving a conditional use authorization, Case No. 2002.0657C, to mount a total of eight panel antennas and related equipment on the roof of an existing building as part of Verizon's wireless telecommunications network within an NC-2 (Small Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special Sign District) and a 40-X Height and Bulk District on property located at:

3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets; Lot 004, in Assessor's Block 0445A,

be and the same is disapproved.

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Tails

Motion

File Number: 030958 **Date Passed:** July 22, 2003

Motion disapproving decision of the Planning Commission by its Motion No. 16571, approving Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, and adopting findings pursuant to Planning Code Section 101.1.

June 24, 2003 Board of Supervisors — CONTINUED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

July 22, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 030958

I hereby certify that the foregoing Motion was APPROVED on July 22, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gullenga

for Gloria L. Young
Clerk of the Board

FILE NO. 030959 MOTION NO. M03-119

[Findings]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), for action by the Board at its next meeting.

IT IS HEREBY MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to proposed Conditional Use Application No. 2002.0657C, on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets, for action by the Board at its next meeting.

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Tails

Motion

File Number: 030959 **Date Passed:** July 22, 2003

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0657C on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), for action by the Board at its next meeting.

June 24, 2003 Board of Supervisors — CONTINUED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

July 22, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 030959

I hereby certify that the foregoing Motion was APPROVED on July 22, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 031040 MOTION NO. M03-120

[Findings]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), for action by the Board at its next meeting.

IT IS HEREBY MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to proposed Conditional Use Application No. 2002.0446CEV, on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), for action by the Board at its next meeting.

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City and County of San Francisco

Tails

Motion

File Number: 031040 **Date Passed:** July 22, 2003

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), for action by the Board at its next meeting.

June 24, 2003 Board of Supervisors — CONTINUED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

July 22, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031040

I hereby certify that the foregoing Motion was APPROVED on July 22, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

For Gloria L. Young
Clerk of the Board

FILE NO. 031090 MOTION NO. M03-121

[Environmental Review]

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 40-50 Lansing Street (a.k.a. 35 Guy Place).

MOVED, That on April 22, 2003, the Planning Department adopted and issued a Final Mitigated Negative Declaration at 40-50 Lansing Street (a.k.a. 35 Guy Place), making a finding that the project would have no significant impact on the environment; and be it

FURTHER MOVED, That this Board of Supervisors certifies that it has reviewed said Final Negative Declaration and adopts as its own the findings of the Planning Department.

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Motion

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File Number: 031090 **Date Passed:** July 22, 2003

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 40-50 Lansing Street (a.k.a. 35 Guy Place).

June 24, 2003 Board of Supervisors — CONTINUED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

July 22, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Daly

File No. 031090

I hereby certify that the foregoing Motion was APPROVED on July 22, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

amended in committee 7/9/03

FILE NO. 031114 MOTION NO. M03-122

[Amending the Rules of the Board to schedule public hearings on appeals at 4 p.m. instead of 3 p.m. at Board meetings, and providing for the scheduling of multiple appeals.]

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearings on appeals shall be scheduled at 4 p.m. rather than 3 p.m., and providing a system for scheduling these appeals when more than one appears on a Board calendar.

Note: Additions are *single-underline italics Times New Roman*;
deletions are ~~*strikethrough italics Times New Roman*~~.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby amend Rule 4.29 of the Rules of Order of the Board of Supervisors to read as follows:

4.29. Special Times of Business. The Clerk of the Board shall schedule public hearings on appeals for ~~*3:00*~~ *4:*00 p.m. *If more than one public hearing on appeal is scheduled for a Board meeting, the Clerk of the Board ~~and~~* in conjunction with *the President ~~are~~* is *urged to determine the order in which the appeals will be scheduled, and they may schedule second and later appeals at specified times later than 4 p.m. If a public hearing appeal is scheduled later than 4 p.m. the calendar shall contain notice that the appeal shall not be heard prior to the scheduled time stated on the calendar, and that the appeal may not be called until the Board's consideration of appeals scheduled earlier on the calendar is completed.* The Clerk of the Board shall schedule consideration of ballot arguments and other election related matters when action is needed by the following day for 2:00 p.m. The recognition of visiting dignitaries shall occur at 3:30 p.m., and the recognition of commendations shall occur at 3:45 p.m. These recognitions of commendations should require no more than five minutes per recognition. No other fixed time for consideration of an agenda item shall be placed on the agenda except as directed by the President, or by affirmative vote of six Supervisors.

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Tails

Motion

File Number: 031114 **Date Passed:** July 22, 2003

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that public hearings on appeals shall be scheduled at 4 p.m. rather than 3 p.m., and providing a system for scheduling these appeals when more than one appears on a Board calendar.

July 22, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031114

I hereby certify that the foregoing Motion was APPROVED on July 22, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for

Gloria L. Young
Clerk of the Board

FILE NO. 031191 MOTION NO. M03-123

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty
BOARD OF SUPERVISORS

City and County of San Francisco

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San Francisco, CA 94102-4689

Tails

Motion

File Number: 031191 **Date Passed:** July 22, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

July 22, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin

Absent: 2 - Daly, Sandoval

File No. 031191

I hereby certify that the foregoing Motion was APPROVED on July 22, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

Amendment of the Whole Bearing New Title - 6/17/03

FILE NO. 030740 MOTION NO. M03-124

[Amending the Rules of the Board to allow ~~schedule~~ scheduling ~~the~~ recognitions of public dignitaries at any time, and commendations for 3:30pm ~~2pm and 3pm,~~ ~~respectively,~~ at Board of Supervisors meetings.]

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries may occur at anytime ~~shall occur at 2pm,~~ and the recognition of commendations shall occur at ~~3pm~~ 3:30pm.

Note: Additions are *single-underline italics Times New Roman*;
deletions are *~~strikethrough italics Times New Roman~~*.
Board amendment additions are double underlined.
Board amendment deletions are ~~strikethrough normal~~.

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby amend Rule 4.29 of the Rules of Order of the Board of Supervisors to read as follows:

4.29. Special Times of Business. The Clerk of the Board shall schedule public hearings on appeals for 3:00 p.m. The Clerk of the Board shall schedule consideration of ballot arguments and other election related matters when action is needed by the following day for 2:00 p.m. *~~Except for~~ The recognition of visiting dignitaries ~~which may occur at 2:00 p.m.,~~ may occur at anytime. The recognition of commendations shall occur at ~~3:00 p.m~~ 3:30 p.m. These recognitions of commendations should require no more than five minutes per recognition*. No other fixed time for consideration of an agenda item shall be placed on the agenda except as directed by the President, or by affirmative vote of six Supervisors.

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Motion

File Number: 030740 **Date Passed:** July 22, 2003

Motion amending Rule 4.29 of the Rules of Order of the Board of Supervisors to provide that at meetings of the Board of Supervisors the recognition of public dignitaries may occur at anytime, and the recognition of commendations shall occur at 3:30 p.m.

June 10, 2003 Board of Supervisors — CONTINUED

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

June 17, 2003 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

June 17, 2003 Board of Supervisors — CONTINUED AS AMENDED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Excused: 1 - McGoldrick

July 15, 2003 Board of Supervisors — CONTINUED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

July 22, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 030740

I hereby certify that the foregoing Motion was APPROVED on July 22, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 031201 MOTION NO. M03-125

[California Environmental Quality Act Findings.]

Motion adopting findings pursuant to the California Environmental Quality Act in connection with approval of a New Transportation Expenditure Plan and Sales Tax Reauthorization.

WHEREAS, The San Francisco County Transportation Authority (hereinafter the "Authority") prepared an Expenditure Plan and Sales Tax Reauthorization (hereinafter the "Plan") for this Board to consider submitting to the voters at the November 2003 election; and

WHEREAS, The Expenditure Plan is part of the Congestion Management Program's Capital Improvement Plan and also implements the priorities of the Countywide Transportation Plan through investment in projects and programs that include planning, maintenance and rehabilitation and improvements to the City and County of San Francisco's multi-modal transportation system; and

WHEREAS, The California Environmental Quality Act ("CEQA") provides a statutory exemption from CEQA for development, preparation and adoption of the Congestion Management Program, in California Public Resources Code Section 21080(b)(13) and CEQA Guidelines, Section 15276; and

WHEREAS, Although the Transportation Authority found that the statutory exemption set forth in CEQA was applicable to this Plan, the Transportation Authority nonetheless decided to prepare an environmental impact report so that the voters and approving bodies could be fully apprised of the environmental effects of the Expenditure Plan before making a determination; and

WHEREAS, On July 22, 2003, the Authority certified the Final Environmental Impact Report ("Final EIR") by its Resolution No. 04-03; and

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WHEREAS, The Authority adopted Findings, as required by CEQA, regarding the alternatives, mitigation measures and significant environmental impacts analyzed in the Final EIR, as well as a statement of overriding considerations, and a proposed mitigation monitoring and reporting program on July 22, 2003 by its Resolution No. 04-04; and

WHEREAS, The Authority has made available for review the Plan's Environmental Impact Report files and all correspondence and other documents; and

WHEREAS, This Board is considered a responsible agency pursuant to CEQA for purposes of acting on the Plan; and

WHEREAS, This Board has reviewed and considered the Final EIR, and has had the environmental review files available to it for review; now therefore be it

MOVED, This Board finds that the Final EIR is adequate for use by this Board and that no further environmental review is necessary; and be it further

MOVED, This Board hereby adopts and incorporates by reference in this action the findings and mitigation monitoring and reporting program adopted by the San Francisco County Transportation Authority Board of Commissioners by its Resolution No. 04-04 dated July 22, 2003; and be it further

MOVED, Since this Board is a responsible agency, none of the mitigation measures are adopted by this Board, as set forth in Transportation Authority Board of Commissioners Resolution No. 04-04, but this Board recommends their adoption and implementation by the Authority, and finds that the Authority can and should adopt the mitigation measures set forth in its Resolution.

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Motion

File Number: 031201 **Date Passed:** July 29, 2003

Motion adopting findings pursuant to the California Environmental Quality Act in connection with approval of a New Transportation Expenditure Plan and Sales Tax Reauthorization.

July 29, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031201

I hereby certify that the foregoing Motion was APPROVED on July 29, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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FILE NO. 031250 MOTION NO. M03-126

[Adopting findings related to the conditional use appeal on property located at 270-284 Valencia Street/17 Brosnan Street.]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0333C (which authorized the construction of 28 dwelling units in a C-M District, allowed the construction of a housing project with fewer than 25-percent below market units, and allowed the demolition of a building in the Northeast Mission Industrial Zone that has contained production, distribution and repair businesses since August 5, 1999) on property located at 270-284 Valencia Street/17 Brosnan Street, west side of Valencia Street between 14th and Brosnan Streets (Lot 9 in Assessor's Block 3533).

Under the provision of Section 308.1 (b) of the City Planning Code, having determined that they believed there was sufficient public interest and concern in the matter to warrant a hearing before the Board of Supervisors, five members of the Board of Supervisors filed a notice of appeal on June 24, 2003, bringing before the Board the decision of the Planning Commission to approve a conditional use authorization (Conditional Use Application No. 2002.0333C) authorizing the construction of 28 dwelling units in a C-M District, allowing the construction of a housing project with fewer than 25-percent below market units, and allowing the demolition of a building in the Northeast Mission Industrial Zone that has contained production, distribution and repair businesses since August 5, 1999, on property located at 270-284 Valencia Street/17 Brosnan Street, west side of Valencia Street between 14th and Brosnan Streets (Lot 9 in Assessor's Block 3533).

The public hearing before the Board of Supervisors on said appeal was scheduled for July 15, 2003. On July 15, 2003, the Board conducted a duly noticed hearing on the appeal from the Planning Commission's approval referred to in the first paragraph of this motion.

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Following the conclusion of the public hearing on July 15, the Board approved the decision of the Planning Commission (Planning Commission Motion No. 16579, dated May 15, 2003) and approved the issuance of requested Conditional Use Application No. 2002.0333C, subject to the conditions imposed by the Planning Commission.

In reviewing the appeal of the approval of the requested conditional use authorization, this Board reviewed and considered the written record before the Board and all of the public comments made in support of and in opposition to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 16579, dated May 15, 2003; and, be it

FURTHER MOVED, That the Board of Supervisors took notice that a Final Negative Declaration was issued by the Planning Department on January 16, 2003. The Board further finds that there have been no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the Final Negative Declaration that the proposed Project would not have a significant effect on the environment.

FURTHER MOVED, That the Board of Supervisors finds that the project, as approved, will meet the requirements of Planning Code Section 303. The revised project will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community, that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, that such use meets the criteria in Section 303(c)(3) by complying with applicable provisions of the Planning Code as established in the Planning Commission Findings, and that such use will affirmatively promote the objectives and policies of the General Plan.

FURTHER MOVED, That, on balance, the project is consistent with the objectives and policies of the General Plan, and is consistent with the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, approved the decision of the Planning Commission by its Motion No. 16579, dated May 15, 2003, and approved the issuance of Conditional Use Application No. 2002.0333C on property located at 270-284 Valencia Street/17 Brosnan Street, subject to the conditions imposed by the Planning Commission.

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Motion

File Number: 031250 **Date Passed:**

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0333C (which authorized the construction of 28 dwelling units in a C-M District, allowed the construction of a housing project with fewer than 25-percent below market units, and allowed the demolition of a building in the Northeast Mission Industrial Zone that has contained production, distribution and repair businesses since August 5, 1999) on property located at 270-284 Valencia Street/17 Brosnan Street, west side of Valencia Street between 14th and Brosnan Streets (Lot 9 in Assessor's Block 3533).

July 17, 2003 Board of Supervisors — REFERRED: Board of Supervisors

July 29, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 2 - Daly, Gonzalez

File No. 031250

I hereby certify that the foregoing Motion was APPROVED on July 29, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

File No. 031250

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FILE NO. 031260 MOTION NO. M03-127

[Final Map for a 6 Unit Live/Work Condominium Project]

Motion approving Final Map of 2211 26th Street, A Live/Work Condominium Project, being a subdivision of Lot 10, Assessor's Block No. 4327A, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 2211 26th Street, A Live/Work Condominium Project", being a subdivision of Lot 10, Portion of Assessor's Block No. 4327A, comprising 5 sheets, approved the 25th day of June, 2003 by Department of Public Works Order No. 174,224, be and the same is hereby approved and adopted as the Official Map of 2211 26th Street, A Live/Work Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated October 17, 2001, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:	DESCRIPTION APPROVED:
Edwin M. Lee Director of Public Works	JRM John R. Martin, L.S. County Surveyor

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File Number: 031260 **Date Passed:** July 29, 2003

Motion approving Final Map of 2211 - 26th Street, A Live/Work Condominium Project, being a subdivision of Lot 10 in Assessor's Block No. 4327A, and adopting findings pursuant to Planning Code Section 101.1.

July 29, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031260

I hereby certify that the foregoing Motion was APPROVED on July 29, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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FILE NO. 031261 **MOTION** M03-128

[Final Map for a 25 Unit Mixed Use Condominium Project]

Motion approving Final Map of 601 Valencia Street and 3375 17th Street, A Mixed Use Condominium Project, being a subdivision of Lot 127 in Assessor's Block No. 3576, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 601 Valencia Street and 3375 17th Street, A Mixed Use Condominium Project", being a subdivision of Lot 127, Portion of Assessor's Block No. 3576, comprising 9 sheets, approved the 23rd day of July, 2003 by Department of Public Works Order No. 174,269, be and the same is hereby approved and adopted as the Official Map of "601 Valencia Street and 3375 17th Street, A Mixed Use Condominium Project".

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated January 15, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Survey

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File Number: 031261 **Date Passed:** July 29, 2003

Motion approving Final Map of 601 Valencia Street and 3375 17th Street, A Mixed Use Condominium Project, being a subdivision of Lot 127 in Assessor's Block No. 3576, and adopting findings pursuant to Planning Code Section 101.1.

July 29, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031261

I hereby certify that the foregoing Motion was APPROVED on July 29, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L.

Gloria L. Young
Clerk of the Board

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FILE NO. 031262 MOTION NO. M03-129

[Final Map for a 6 Unit Commercial Condominium Project]

Motion approving Final Map of The Glassworks Mission Bay Block N2 Parcel 1 Phase 1, a Commercial Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8706, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of The Glassworks Mission Bay Block N2 Parcel 1 Phase 1, a Commercial Condominium Project", being a subdivision of Lot 4, Portion of Assessor's Block No. 8706, comprising 11 sheets, approved the 23rd day of July, 2003 by Department of Public Works Order No. 174,270, be and the same is hereby approved and adopted as the Official Map of The Glassworks Mission Bay Block N2 Parcel 1, Phase 1, A Commercial Condominium Project"; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated July 24, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That The Redevelopment Agency in its letter dated July 16, 2003 stated that the project is in consistent with the Mission Bay North Redevelopment Plan.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

For Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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File Number: 031262 **Date Passed:** July 29, 2003

Motion approving Final Map of The Glassworks Mission Bay Block N2 Parcel 1 Phase 1, a Commercial Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8706, and adopting findings pursuant to Planning Code Section 101.1.

July 29, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031262

I hereby certify that the foregoing Motion was APPROVED on July 29, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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FILE NO. 031263 MOTION NO. M03-130

[Final Map for a 36 Unit Residential Condominium Project]

Motion approving Final Map of The Glassworks Mission Bay Block N2 Parcel 1 Phase 2, a Residential Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8706, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of The Glassworks Mission Bay Block N2 Parcel 1 Phase 2, a Residential Condominium Project", being a subdivision of Lot 4, Portion of Assessor's Block No. 8706, comprising 11 sheets, approved the 23rd day of July, 2003 by Department of Public Works Order No. 174,271, be and the same is hereby approved and adopted as the Official Map of The Glassworks Mission Bay Block N2 Parcel 1, Phase 2, A Residential Condominium Project"; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated July 24, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That The Redevelopment Agency in its letter dated July 16, 2003 stated that the project is in consistent with the Mission Bay North Redevelopment Plan.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

For Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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File Number: 031263 **Date Passed:** July 29, 2003

Motion approving Final Map of The Glassworks Mission Bay Block N2 Parcel 1 Phase 2, a Residential Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8706, and adopting findings pursuant to Planning Code Section 101.1.

July 29, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031263

I hereby certify that the foregoing Motion was APPROVED on July 29, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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As Amended in Board 7/29/03

FILE NO. 031294 MOTION NO. M03-131

[Authorizing preparation of a written Proponent ballot argument and rebuttal ballot argument for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 4, 2003 Special Election]

Motion authorizing preparation of a written Proponent ballot argument and rebuttal ballot argument for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 4, 2003.

WHEREAS, the Board of Supervisors has approved several Charter Amendments and other Measures for submittal to the voters at the November 4, 2003 Special Election in the City and County of San Francisco; and

WHEREAS, the Board of Supervisors authorizes the sponsors of the following Charter Amendments and other measures to submit and sign a written Proponent ballot argument and rebuttal ballot argument for submittal to the Director of Elections as follows:

Small Business Commission	Daly
Rainy Day Reserves	Ammiano
Misc. Safety Employees	Ammiano
Police/OCC	Ammiano
Controller	McGoldrick
Targeted early retirement	Sandoval
Ethics/Conflicts amendments	Ammiano
Transportation Sales Tax	Daly

WHEREAS, the Board Member(s) authorized to submit the Proponent ballot argument, will submit the argument to the Director of Election no later than the deadline of noon, August

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19, 2003, and the rebuttal ballot argument no later than noon, August 26, 2003; now therefore be it

MOVED, that the Board of Supervisors hereby authorizes the sponsors of the measure to submit and sign a written Proponent ballot argument and rebuttal ballot argument.

FURTHER MOVED, that the sponsor may authorize or assign any other person(s) under the provisions of the San Francisco Elections Code Section 550(e) the authority to submit the rebuttal arguments.

FURTHER MOVED, that the sponsor of the transportation sales tax may authorize or assign any other person (s) under the provisions of the San Francisco Elections Code 550(e) the authority to submit the proponent and/or rebuttal argument.

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File Number: 031294 **Date Passed:** July 29, 2003

Motion authorizing preparation of a written Proponent ballot argument and rebuttal ballot argument for Charter Amendments and other Measures approved by the Board of Supervisors for submittal to the voters at the November 4, 2003.

July 29, 2003 Board of Supervisors — AMENDED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

July 29, 2003 Board of Supervisors — APPROVED AS AMENDED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031294

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on July 29, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031306

As Amended in Board 8/12/03
MOTION NO. M03- 132

[Adopting findings related to the conditional use appeal on property located at 40-50 Lansing Street.]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0446CEV (which allowed the construction of an 84-foot tall residential building within an R (Residential) District pursuant to Planning Code Section 152, and allowed the construction of a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning Code Section 249.1(b)(1)(C) in an RC-4 District, an 84-R Height and Bulk District and the Rincon Special Use District/Residential Subdistrict) on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place) (Lot 11 in Assessor's Block 3749).

Under the provisions of Section 308.1 (b) of the City Planning Code, having determined that they believed there was sufficient public interest and concern in the matter to warrant a hearing before the Board of Supervisors, five members of the Board of Supervisors filed a notice of appeal on June 2, 2003, bringing before the Board the decision of the Planning Commission to approve a conditional use authorization (Conditional Use Application No. 2002.0446CEV), to allow the construction of an 84-foot tall residential building within an R (Residential) District pursuant to Planning Code Section 152, and to allow the construction of a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning Code Section 249.1(b)(1)(C) in an RC-4 District, an 84-R Height and Bulk District and the Rincon Special Use District/Residential Subdistrict) on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place) (Lot 11 in Assessor's Block 3749).

The public hearing before the Board of Supervisors on said appeal was scheduled for June 24, 2003, On June 24, 2003, the Board continued the public hearing to July 22, 2003 On July 22, 2003, the Board conducted a duly noticed hearing on the appeal from the

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Planning Commission's approval referred to in the first paragraph of this motion. Following the conclusion of the public hearing on July 22, the Board disapproved the decision of the Planning Commission (Planning Commission Motion No. 16572, dated May 1, 2003) and approved the issuance of requested Conditional Use Application No. 2002.0446CEV, subject to the conditions imposed by the Planning Commission, and further subject to additional conditions imposed by the Board of Supervisors.

In reviewing the appeal of the approval of the requested conditional use authorization, this Board reviewed and considered the written record before the Board and all of the public comments made in support of and in opposition to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 16572, dated May 1, 2003, except as indicated below.

FURTHER MOVED, That on April 8, 2003, the Board of Supervisors conducted a noticed public hearing on an appeal of the Planning Commission's certification of the Final Mitigated Negative Declaration for this proposed Project. Following the completion of the appeal hearing on April 8, the Board continued to April 23, 2003, its consideration of the appeal. On April 23, 2003, the Board affirmed the Planning Commission's adoption of the Negative Declaration. The Board of Supervisors certified, at the July 22 meeting, that it had reviewed the Final Mitigated Negative Declaration relating to the proposed project and adopted as its own the findings of the Planning Commission. The Board further finds that there have been no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the Final Mitigated Negative Declaration that the proposed Project would have no significant impact on the environment.

FURTHER MOVED, That at the July 22, 2003, public hearing on this appeal several members of the public testified that the Project, as proposed, was too massive in design; that its bulk would not be consistent with the neighboring buildings; that adjacent buildings were considerably shorter and less bulky in design; and that a tall building that was built up to the street frontage would change the nature of the street and create an uninviting residential street, characterized by high walls, with reduced light and air. In addition, members of the public testified that the presence of the proposed Project loading dock off-site in the neighborhood, which is located on a narrow street, would create traffic congestion and a danger to public safety as unloading occurred, and the unloaded materials were then transported across and along the street to the Project.

FURTHER MOVED, That on July 22, 2003, the Board of Supervisors disapproved the decision of the Planning Commission by its Motion No. 16572, which approved Conditional Use Application No. 2002.0446CEV, and approved the requested Conditional Use Authorization subject to the conditions imposed by the Planning Commission, and further subject to the following ~~two~~ three additional conditions imposed by the Board:

1. The structure, as approved by the Planning Commission, shall be further revised to delete from the 7th and 8th floors of the structure on the southeasterly (Lansing Street) side of the structure two housing units per floor (total of four units), those two units on each floor being the units closest to Lansing Street, thereby setting back the 7th and 8th floors further from the street frontage on Lansing Street, and reducing the bulk of the structure, especially on the 7th and 8th floors.

2. The structure, as approved by the Planning Commission, shall be further revised by moving the loading dock from its proposed off-site location to an on-site location within the structure at 40-50 Lansing.

3. The project sponsor guarantee the installation of street lighting on Guy Place and Lansing Street that is adequate to ensure safety and neighborhood character. This lighting shall meet all standards established by the San Francisco Public Utilities Commission, San Francisco Department of Public Works, Landmarks Preservation Advisory Board and San Francisco Planning Commission. This street lighting shall be operational prior to the completion of the project.

FURTHER MOVED, That the Board of Supervisors finds that findings made by the Planning Commission that the Project, as approved by the Commission, complies with the criteria of Planning Code Section 303 are incorrect and without substantiation for the following reasons:

(1) The Project, at the size and intensity contemplated in the Commission approved design, will not provide a development that is necessary or desirable, or compatible with, the neighborhood or the community. As stated in the Commission's decision, the building will be larger than most buildings in the immediate vicinity. The Project, though, as approved, is not designed to fit well within the context and mitigate its larger size. The building walls will be setback by only two and a half feet from the property line. In addition, while some setbacks occur above 50-feet, the overall impact of the building will be to create a massive and bulky wall adjacent to the public sidewalk on a narrow residential street, creating an unappealing, looming canyon. The building, as approved by the Commission, will overwhelm and dominate the surrounding neighborhood with its new construction.

(2) The project, as proposed, lacks adequate loading. As stated in the Commission's decision, the Project will not provide an off-street loading space on-site, and a loading dock is proposed to be located off-site. The Board disagrees with the Commission's conclusions that the Project's impacts associated with loading and service activity would not be significant. With more than seventy units in the building, the Board anticipates that there

will be tenant moves on a regular basis, and servicing for the building and its residents will require deliveries of goods and services on a regular basis. Since the street is a narrow residential street, large delivery vehicles will not be able to park, conveniently, adjacent to the building's doors. The arrival of any delivery vehicles at the Project will reduce on-street parking, block portions of the street, and create a safety hazard for those pedestrians and cars attempting to move through the neighborhood. In addition, if deliveries are made to a loading dock that is off-site, those delivered goods will need to be moved across and along the narrow street, thereby adding to street congestion, and creating an additional safety hazard.

FURTHER MOVED, That with the imposition of the additional conditions stated above, the Board will be reducing the bulk of the Project by eliminating from the top two floors of the building that part of those two floors that are visible from the street below. This will reduce the impact of the Project on the street, reduce the bulk of the building, and revise the building so that it will more closely resemble the bulk and mass of buildings in the neighborhood. In addition, with the requirement of a loading dock on site, loading and unloading of vehicles will be available within the building. This will eliminate the need to move goods and supplies across and along the narrow residential streets, should reduce the time required to conduct loading and unloading, and will provide off-street parking availability for on-site deliveries.

FURTHER MOVED, That with the imposition of the additional conditions, as listed above, the Board of Supervisors finds that the project, as revised, will meet the requirements of Planning Code Section 303. The revised project will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community, and that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, and that such use will not adversely affect the General Plan.

FURTHER MOVED, That, on balance, the project, as revised by the Board of Supervisors, is consistent with the objectives and policies of the General Plan, and is consistent with the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, disapproved the decision of the Planning Commission by its Motion No. 16572, dated May 1, 2003, and approved the issuance of Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (aka 35 Guy Place), subject to the conditions imposed by the Planning Commission and the additional conditions imposed by the Board of Supervisors on July 22, 2003, as referred to earlier in this motion.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031306 **Date Passed:** August 12, 2003

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0446CEV (which allowed the construction of an 84-foot tall residential building within an R (Residential) District pursuant to Planning Code Section 152, and allowed the construction of a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning Code Section 249.1(b)(1)(C) in an RC-4 District, an 84-R Height and Bulk District and the Rincon Special Use District/Residential Subdistrict) on property located at 40-50 Lansing Street (a.k.a 35 Guy Place) (Lot 11 in Assessor's Block 3749).

July 29, 2003 Board of Supervisors — REFERRED: Board of Supervisors

August 12, 2003 Board of Supervisors — AMENDED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

August 12, 2003 Board of Supervisors — APPROVED AS AMENDED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

File No. 031306

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on August 12, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Kay Gulbengay
Acting Clerk of the Board

FILE NO. 031309 MOTION NO. M03-133

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty
BOARD OF SUPERVISORS

City and County of San Francisco

Tails

Motion

City Hall
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102-4689

File Number: 031309 **Date Passed:** August 12, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

August 12, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

File No. 031309

I hereby certify that the foregoing Motion was APPROVED on August 12, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Kay Gulbengay
Acting Clerk of the Board

Amended at Board
08/12/03

FILE NO. 031335 MOTION NO. M03-134

[Adopting findings related to the appeal of the CEQA determination by the Planning Department for the Secondary Unit Ordinance]

Motion adopting findings related to the appeal of the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from the California Environmental Quality Act.

On April 23, 2003, the Environmental Review Officer of the Planning Department issued a certificate of determination of exemption/exclusion from environmental review under the California Environmental Quality Act in accordance with San Francisco Administrative Code Chapter 31. A copy of said document is on file with the Clerk of the Board of Supervisors in File No. ~~030838~~ 030896 and is incorporated by reference herein. 12/03

By letter to the Clerk of the Board of Supervisors dated May 14, 2003, Preserve Our Neighborhoods filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around May 14, 2003.

By letter to the Clerk of the Board of Supervisors dated May 23, 2003, Mr. Bud Wilson filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around May 23, 2003.

By letter to the Clerk of the Board of Supervisors dated May 31, 2003, the Coalition for San Francisco Neighborhoods filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around June 2, 2003.

On July 15, 2003, this Board held a duly noticed public hearing to consider the consolidated appeals of the determination. Following the conclusion of the public hearing, the Board affirmed the decision of the Planning Department on the use of the exemption/exclusion for the Secondary Unit Ordinance based on the written record before the Board in File No. ~~030838,~~ 030896, which is hereby declared to be a part of this motion as if set forth 12/03

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fully herein, as well as all of the fact and circumstances concerning the Planning Department determination and deliberation of the oral and written testimony at the public hearing by all parties and the public in support of and opposed to the appeals.

MOVED, That the Board of Supervisors finds that Section 21080.17 of the California Environmental Quality Act (CEQA) and Section 15282(l) of the CEQA Guidelines provide a statutory exemption from environmental review for the adoption of ordinances regarding second units in a single-family or multifamily residential zone to implement the provisions of Section 65852.1 or Section 65852.2 of the Government Code.

FURTHER MOVED, That the Board of Supervisors finds that the proposed Ordinance would permit second units within the meaning of the Government Code Sections 65852.1 and 65852.2 by permitting an additional unit on lots with existing single-family buildings in single-family or multifamily residential zones under the circumstances specified in the proposed Ordinance.

FURTHER MOVED, That the Board of Supervisors finds that to the extent that the Ordinance would permit an additional unit on lots with existing multifamily buildings, that the proposed Ordinance is exempt under CEQA's General Rule Exclusion because there is no possibility that an additional unit on these lots under the circumstances allowed by the proposed Ordinance would result in significant environmental impacts.

FURTHER MOVED, That in regard to the use of the General Rule Exclusion, the Board of Supervisors finds that many of the issued raised by the public in opposition to the proposed Ordinance concerned issues relating to an additional unit on lots containing single family buildings and not significant environmental impacts of an additional unit on lots in transit corridors with existing multifamily buildings.

FURTHER MOVED, That the Board of Supervisors concurs with the conclusions of the Planning Department that little increase in housing production is likely to occur as a result of the provisions in the Ordinance to allow secondary units in multifamily dwellings because adding secondary units in existing two-units buildings would be cost-prohibitive for most building owners; little surplus space is available in buildings containing three or more dwelling units; secondary units are not likely to be constructed in buildings where an additional dwelling unit could presently and legally be added under existing Planning Code provisions; and the Ordinance only allows construction of new units within the dimensions of the existing building.

FURTHER MOVED, That the Board of Supervisors finds that it concurs with the conclusions of the Planning Department that construction of an additional unit of up to 750 square feet in existing multifamily dwelling would not affect land uses as the additional units would be constructed within an existing structure and could not expand the building envelope and would result in minimal population, traffic, noise, air quality, hazardous materials, geotechnical or other impacts.

File Number: 031335 **Date Passed:** August 12, 2003

Motion adopting findings related to the appeal of the determination by the Planning Department that the Secondary Unit Ordinance is exempt/excluded from the California Environmental Quality Act.

August 1, 2003 Board of Supervisors — REFERRED: Board of Supervisors

August 12, 2003 Board of Supervisors — AMENDED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

August 12, 2003 Board of Supervisors — APPROVED AS AMENDED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

File No. 031335

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on August 12, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Kay Gulbengay
Acting Clerk of the Board

FILE NO. 031350 MOTION NO. M03-135

Final Map for a 5 Unit Residential Condominium Project]

Motion approving Final Map of 1171 Oak Street, A Residential Condominium Project, being a subdivision of Lot 26 in Assessor's Block No. 1218, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 1171 Oak Street, A Residential Condominium Project", being a subdivision of Lot 26, Portion of Assessor's Block No. 1218, comprising 4 sheets, approved the 6th day of August, 2003 by Department of Public Works Order No. 174,300, be and the same is hereby approved and adopted as the Official Map of "1171 Oak Street, A Residential Condominium Project".

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated June 17, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:	DESCRIPTION APPROVED:
Edwin M. Lee Director of Public Works	John R. Martin, L.S. County Surveyor

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Tails

Motion

File Number: 031350 **Date Passed:** August 12, 2003

Motion approving Final Map of 1171 Oak Street, A Residential Condominium Project, being a subdivision of Lot 26 in Assessor's Block No. 1218, and adopting findings pursuant to Planning Code Section 101.1.

August 12, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

File No. 031350

I hereby certify that the foregoing Motion was APPROVED on August 12, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Kay Gulbengay
Acting Clerk of the Board

FILE NO. 031351 MOTION NO. M03-136

[Final Map for a 51 Unit Live/Work Condominium Project]

Motion approving Final Map of 200 Townsend Street Lofts, 200 Townsend Street, A Live/Work Condominium Project, being a subdivision of Lot 165 in Assessor's Block No. 3787, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 200 Townsend Street Lofts, 200 Townsend Street, A Live/Work Condominium Project", being a subdivision of Lot 165, Portion of Assessor's Block No. 3787, comprising 11 sheets, approved the 6th day of August, 2003 by Department of Public Works Order No. 174,302, be and the same is hereby approved and adopted as the Official Map of 200 Townsend Street Lofts, 200 Townsend Street, A Live/Work Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated April 23, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

f- Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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File Number: 031351 **Date Passed:** August 12, 2003

Motion approving Final Map of 200 Townsend Street Lofts, 200 Townsend Street, A Live/Work Condominium Project, being a subdivision of Lot 165 in Assessor's Block No. 3787, and adopting findings pursuant to Planning Code Section 101.1.

August 12, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

File No. 031351

I hereby certify that the foregoing Motion was APPROVED on August 12, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Kay Gulbengay
Acting Clerk of the Board

FILE NO. 031352 MOTION NO. M03-137

[Final Map for a 24 Unit Live/Work Condominium Project]

Motion approving Final Map of 599 3rd Street, a Live/Work Condominium Project, being a subdivision of Lot 23 in Assessor's Block No. 3775, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 599 3rd Street, a Live/Work Condominium Project", being a subdivision of Lot 23, Portion of Assessor's Block No. 3775, comprising 6 sheets, approved the 6th day of August, 2003 by Department of Public Works Order No. 174,301, be and the same is hereby approved and adopted as the Official Map of "599 3rd Street, A Live/Work Condominium Project"; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated March 1, 2001, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

JRM
John R. Martin, L.S.
County Surveyor

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Tails

Motion

File Number: 031352 **Date Passed:** August 12, 2003

Motion approving Final Map of 599 3rd Street, a Live/Work Condominium Project, being a subdivision of Lot 23 in Assessor's Block No. 3775, and adopting findings pursuant to Planning Code Section 101.1

August 12, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

File No. 031352

I hereby certify that the foregoing Motion was APPROVED on August 12, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Kay Gulbengay
Acting Clerk of the Board

FILE NO. 031353 MOTION NO. M03-138

[Final Map for an 8 Unit Live/Work Condominium Project]

Motion approving Final Map of 1025 Minna Street, a Live/Work Condominium Project, being a subdivision of Lot 110, Assessor's Block No. 3511, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 1025 Minna Street, a Live/Work Condominium Project", being a subdivision of Lot 110, Portion of Assessor's Block No. 3511, comprising 5 sheets, approved the 6th day of August, 2003 by Department of Public Works Order No. 174,307, be and the same is hereby approved and adopted as the Official Map of 1025 Minna Street, A Live/Work Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated January 23, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Tails

Motion

File Number: 031353 **Date Passed:** August 12, 2003

Motion approving Final Map of 1025 Minna Street, a Live/Work Condominium Project, being a subdivision of Lot 110, Assessor's Block No. 3511, and adopting findings pursuant to Planning Code Section 101.1.

August 12, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

File No. 031353

I hereby certify that the foregoing Motion was APPROVED on August 12, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Kay Gulbengay
Acting Clerk of the Board

FILE NO. 031354 MOTION NO. M03-139

[Final Map for a 16 Unit Residential Condominium Project]

Motion approving Final Map of 300 Linden Avenue, a Residential Condominium Project, being a subdivision of Lot 48, Assessor's Block No. 817, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 300 Linden Avenue, a Residential Condominium Project", being a subdivision of Lot 48, Portion of Assessor's Block No. 817, comprising 6 sheets, approved the 6th day of August, 2003 by Department of Public Works Order No. 174,299, be and the same is hereby approved and adopted as the Official Map of 300 Linden Street, A Residential Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Commission, by its letter dated February 21, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

fo Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Tails

Motion

File Number: 031354 **Date Passed:** August 12, 2003

Motion approving Final Map of 300 Linden Avenue, a Residential Condominium Project, being a subdivision of Lot 48, Assessor's Block No. 817, and adopting findings pursuant to Planning Code Section 101.1.

August 12, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

File No. 031354

I hereby certify that the foregoing Motion was APPROVED on August 12, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Kay Gulbengay
Acting Clerk of the Board

FILE NO. 031330 MOTION NO. M03-140

[Waiver Permitting City Employees to Assist the Department of Elections with the October 7, 2003, November 4, 2003, December 9, 2003 and March 2, 2004 elections.]

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the October 7, 2003, November 4, 2003, December 9, 2003 and March 2, 2004 elections.

WHEREAS, San Francisco Charter section 13.104.5 prohibits City employees and officers (other than the Director of Elections, an appointee of the Director of Elections or a member of the Elections Commission) from performing "any function relating to the conduct of an election;" and,

WHEREAS, Charter section 13.104.5 authorizes the Board of Supervisors, upon the request of the Elections Commission, to waive this prohibition; and,

WHEREAS, The Elections Commission may request that the Board of Supervisors waive this prohibition to permit City employees to assist the Department of Elections with the October 7, 2003, November 4, 2003, and March 2, 2004 elections; and

WHEREAS, The Elections Commission may request that the Board of Supervisors waive this prohibition to permit City employees to assist the Department of Elections with an election that may occur on December 9, 2003; now, therefore, be it

MOVED, If Clerk of the Board of Supervisors receives such requests from the Elections Commission, the Board of Supervisors waives the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections before, during and after the October 7, 2003, November 4, 2003, and March 2, 2004 elections as well as any election that might occur on December 9, 2003.

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Tails

Motion

File Number: 031330 **Date Passed:** August 19, 2003

Motion granting a waiver from the prohibition imposed by Charter section 13.104.5, to permit City employees to assist the Department of Elections with the October 7, 2003, November 4, 2003, December 9, 2003 and March 2, 2004 elections.

—

August 12, 2003 Board of Supervisors — CONTINUED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom
Excused: 3 - Hall, Peskin, Sandoval

August 19, 2003 Board of Supervisors — APPROVED

Ayes: 7 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Peskin
Absent: 1 - Newsom
Excused: 3 - Daly, Maxwell, Sandoval

File No. 031330

I hereby certify that the foregoing Motion was APPROVED on August 19, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031376 MOTION NO. M03-141

[Adopting findings related to the conditional use appeal on the PG&E Transformer Station located on the 3400 Block of 19th Street.]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 2002.0575C (which approved the installation of six panel antennas and related back-up equipment on the PG&E Transformer Station within an RH-3 (Residential House, Three-Family) District and a 50-X Height and Bulk District) located at the south side of the 3400 Block of 19th Street (Lot 104 in Assessor's Block 3596).

The appellant, Todd Curtis, filed a timely appeal on March 31, 2003, protesting the approval by the Planning Commission of an application for a conditional use authorization (Conditional Use Application No. 2002.0575C, approved by Planning Commission Motion No. 16534, dated February 27, 2003), pursuant to Planning Code Section 209.6(b), to authorize the installation of six panel antennas and related back-up equipment on the PG&E Transformer Station, as part of AT&T Wireless's wireless telecommunications network within an RH-3 (Residential House, Three-Family) District and a 50-X Height and Bulk District, located at the south side of the 3400 Block of 19th Street (Lot 104 in Assessor's Block 3596).

The San Francisco Planning Commission adopted the Wireless Telecommunications Services ("WTS") Facilities Siting Guidelines in August of 1996 ("Guidelines") to assist the Planning Department in its consideration of applications for conditional use authorization to install WTS facilities. These Guidelines are not binding on the Board of Supervisors. The Guidelines establish location preferences for installation of WTS facilities throughout the City. The location preferences set forth seven categories, with location preference one being the most preferred sites, and location preference seven being the most disfavored sites. The PG&E Transformer Station on property located on the 3400 block of 19th Street would fall

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within a location preference seven because it is in a residential district. The property falls within a location preference one only because the proposed WTS facility would be placed on a utility structure.

On July 22, 2003, the Board of Supervisors conducted a duly noticed public hearing on the appeal from the Planning Commission's approval of the conditional use authorization referred to in the first paragraph of this motion. Following the conclusion of the public hearing on July 22, 2003, the Board voted to disapprove the decision of the Planning Commission (Planning Commission Motion No. 16543 dated February 27, 2003) and denied the issuance of the requested Conditional Use Application No. 2002.0575C by a vote of eight to one.

In considering the appeal of the approval of the requested conditional use authorization, the Board reviewed and considered the written record before the Board and all of the public comments made in support of and in opposition to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby finds that, following a review of questioned signatures on the petition by the City Engineer's Office, the Director of Public Works determined that the appeal qualified for presentation to the Board of Supervisors for consideration and decision.

FURTHER MOVED, That the Board of Supervisors hereby finds that the applicant was given sufficient notice of the public hearing.

FURTHER MOVED, That the Board of Supervisors hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 16543 dated February 27, 2003, except as indicated below.

FURTHER MOVED, That the Board of Supervisors further took notice that the project was categorically exempt from environmental review as a Class I exemption under Title 14 of the California Administrative Code. The Board finds that there have been no substantial changes in project circumstances and no new information of substantial importance that would change the determination of categorical exemption issued by the Planning Commission.

FURTHER MOVED, That the Board of Supervisors finds that:

1. The written and oral information provided by the applicant to the Board was not persuasive or objectively verified, and the applicant was unable to demonstrate credibly that the proposed WTS facility is necessary for the neighborhood or the community, contrary to the requirements of Section 303(c)(1) of the Planning Code.

2. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that there is no necessity for the proposed WTS facility to be approved and installed for residential or business purposes in the neighborhood or the community because the proposed WTS facility will only be used to provide an unnecessary and redundant service in the geographic area of the proposed site. The written and oral information provided by the appellant and his supporters at the July 22, 2003, public hearing showed that at least five other wireless service providers have adequate service in the geographic area of the proposed WTS facility.

3. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission also supported the appellant's position that there is no necessity for the proposed WTS facility to be approved and installed for residential or business purposes in the neighborhood or the community because the proposed WTS facility is not necessary to meet the applicant's present service demands within the geographic service area defined by the applicant.

4. The written and oral information provided by the applicant at the July 22, 2003, public hearing showed that, according to the applicant, the proposed WTS facility would increase capacity, reduce interference and allow the applicant to offer enhanced services.

5. Notwithstanding this information submitted by the applicant, the written and oral information provided by the appellant and his supporters at the July 22, 2003, public hearing showed that the applicant had acceptable service in the geographic area of the proposed WTS facility from the applicant's antennas at six different WTS facilities in the vicinity of the proposed site.

6. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that the location of the proposed WTS facility is incompatible with the existing character of the neighborhood, contrary to the requirements of Section 303(c)(1) of the Planning Code.

7. The written and oral information provided by the appellant and his supporters at the July 22, 2003, public hearing showed that the PG&E Transformer Station where the proposed WTS facility would be installed was built in the 1930s, and is surrounded entirely by a residential neighborhood. The addition of the proposed WTS facility at this site will only serve to further industrialize this part of a neighborhood that is otherwise entirely residential.

8. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that the location of the proposed WTS facility is undesirable for the neighborhood or the community, contrary to the requirements of Section 303(c)(1) of the Planning Code. Persons owning more than 20% of the properties within 300 feet of the proposed site have subscribed to the appeal. Many other persons living in the neighborhood signed petitions opposing the proposed WTS facility. In addition, members of the public expressed overwhelming opposition to the proposed WTS facility during the July 22, 2003 hearing before the Board.

9. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will unreasonably discriminate against the applicant in favor of providers of functionally equivalent services.

10. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will limit or prohibit access to wireless telecommunications services in the geographic area of the proposed site.

11. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will prevent the filling of a significant gap in wireless telecommunications services provided to remote users of those services in the geographic area of the proposed site, whether those remote users obtain service from the applicant or from other wireless service providers serving the City.

12. There is nothing in the record to suggest that the applicant exhausted its search for alternative sites for the proposed WTS facility or that the proposed WTS facility would be the least intrusive means for the applicant to improve its service quality in the geographic area of the proposed site.

13. In the written and oral information provided at the July 22, 2003, public hearing, members of the public expressed concern that radio frequency emissions from the proposed WTS facility would have adverse health effects on persons residing in the vicinity. In making these statements, members of the public exercised their constitutional right to petition the government. However, there is evidence in the record that the proposed WTS facility would comply with Federal Communications Commission safety standards for radio frequency radiation exposure. Thus, in disapproving the decision of the Planning Commission and denying the issuance of the requested conditional use authorization, the Board has not relied on the public testimony or public documentation concerning this issue and the Board has not based its determination on such a ground.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 9 made by the Planning Commission was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility is not necessary for the neighborhood or the community. The neighborhood and the community are adequately served both by the applicant and by other wireless service providers from existing WTS facilities in the area of the proposed site.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 9 made by the Planning Commission was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility is not desirable for and compatible with the neighborhood or the community. The construction of the proposed WTS facility would result in an additional intrusion of unnecessary, noticeable equipment into a neighborhood that contains a high proportion of residential property. The proposed WTS facility is not so located, designed, and treated architecturally as to minimize visibility from public places. The proposed WTS facility is not generally in harmony with neighborhood character.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 10 made by the Planning Commission was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility is not in conformity with, and would not implement the policies of, the City's General Plan, in that the installation of the proposed WTS facility will not further any of the objectives referred to by the Planning Commission.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 11 made by the Planning was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility does not conform with the priority planning policies established by Section 101.1(b) of the Planning

Code because the proposed WTS facility is not necessary to: (i) preserve and enhance existing neighborhood-serving retail uses and to preserve and enhance future opportunities for resident employment in and ownership of such businesses (see Section 101.1(b)(1)); (ii) conserve and protect existing housing and neighborhood character (see Section 101.1(b)(2)); (iii) preserve and enhance the City's supply of affordable housing (see Section 101.1(b)(3)); (iv) maintain a diverse economic base by protecting the City's industrial and service sectors from displacement due to commercial office development or to enhance future opportunities for resident employment and ownership in these sectors (see Section 101.1(b)(5)); (v) add to the City's preparedness to protect against injury and loss of life in an earthquake (see Section 101.1(b)(6)); (vi) preserve any landmarks and historic buildings (see Section 101.1(b)(7)); and (vii) protect City parks and open space and their access to sunlight and vistas from development (see Section 101.1(b)(8)).

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 12 made by the Planning Commission was incorrect and without substantiation, and the Board finds that the conditional use authorization would not promote the health, safety and welfare of the City, and will only add an unnecessary and redundant service and will result in an additional intrusion of unnecessary, noticeable equipment into a neighborhood that contains a high proportion of residential property.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, disapproved the decision of the Planning Commission by its Motion No. 16534 dated February 27, 2003, and denied the issuance of Conditional Use Authorization No. 2002.0575C.

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 031376 **Date Passed:** August 19, 2003

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 2002.0575C (which approved the installation of six panel antennas and related back-up equipment on the PG&E Transformer Station within an RH-3 (Residential House, Three-Family) District and a 50-X Height and Bulk District) located at the south side of the 3400 Block of 19th Street (Lot 104 in Assessor's Block 3596).

—

August 8, 2003 Board of Supervisors — REFERRED: Board of Supervisors

August 19, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

File No. 031376

I hereby certify that the foregoing Motion was APPROVED on August 19, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031377 MOTION NO. M03-142

[Adopting findings related to the conditional use appeal on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street.)]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 2002.0657C (which approved the installation of a total of eight panel antennas and related equipment on the roof of an existing commercial building as part of Verizon's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special Sign District) and a 40-X Height and Bulk District) on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets (Lot 004 in Assessor's Block 0445A).

The appellant, Erika Tarantino, filed a timely appeal on May 29, 2003, protesting the approval by the Planning Commission of an application for a conditional use authorization (Conditional Use Application No. 2002.0657C, approved by Planning Commission Motion No. 16571 dated May 1, 2003), pursuant to Planning Code Sections 711.83 and 790.80, to authorize the installation of a total of eight panel antennas and related equipment on the roof of an existing commercial building as part of Verizon's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special Sign District) and a 40-X Height and Bulk District on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets (Lot 004 in Assessor's Block 0445A).

The San Francisco Planning Commission adopted the Wireless Telecommunications Services ("WTS") Facilities Siting Guidelines in August of 1996 ("Guidelines") to assist the Planning Department in its consideration of applications for conditional use authorization to install WTS facilities. These Guidelines are not binding on the Board of Supervisors. The

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Guidelines establish location preferences for installation of WTS facilities throughout the City. The location preferences set forth seven categories, with location preference one being the most preferred sites, and location preference seven being the most disfavored sites. The property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street) falls within a location preference four because it is wholly commercial structure within an NC-2 Zoning District and the applicant will not remove any visual obstructions as part of the installation. The area immediately surrounding the commercial district on Buchanan Street where the property is located is entirely residential and falls with a location preference seven.

On July 22, 2003, the Board of Supervisors conducted a duly noticed public hearing on the appeal from the Planning Commission's approval of the conditional use authorization referred to in the first paragraph of this motion. Following the conclusion of the public hearing on July 22, 2003, the Board voted to disapprove the decision of the Planning Commission (Planning Commission Motion No. 16571 dated May 1, 2003) and denied the issuance of the requested Conditional Use Application No. 2002.0657C by a vote of eleven to zero.

In considering the appeal of the approval of the requested conditional use authorization, the Board reviewed and considered the written record before the Board and all of the public comments made in support of and in opposition to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 16571 dated May 1, 2003, except as indicated below.

FURTHER MOVED, That the Board of Supervisors further took notice that the project was categorically exempt from environmental review pursuant to exemption Classes 1, 3 and 11 of Title 14 of the California Administrative Code. The Board finds that there have been no substantial changes in project circumstances and no new information of substantial importance that would change the determination of categorical exemption issued by the Planning Commission.

FURTHER MOVED, That the Board of Supervisors finds that:

1. The written and oral information provided by the applicant to the Board was not persuasive or objectively verified, and the applicant was unable to demonstrate credibly that the proposed WTS facility is necessary for the neighborhood or the community, contrary to the requirements of Section 303(c)(1) of the Planning Code.

2. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that there is no necessity for the proposed WTS facility to be approved and installed for residential or business purposes in the neighborhood or the community because the proposed WTS facility is not necessary to meet the applicant's present service demands within the geographic service area defined by the applicant.

3. The written and oral information provided by the applicant at the July 22, 2003, public hearing showed that, according to the applicant, the proposed WTS facility would provide additional capacity to meet its present needs and the growth in demand for its services in this part of the City, which the applicant contends is higher than in other parts of the City. According to the applicant, the proposed WTS facility would also improve the performance of the next generation of wireless voice and data network services offered by the applicant.

4. Notwithstanding this information submitted by the applicant, the written and oral information provided by the appellant and her supporters at the July 22, 2003, public hearing showed that the applicant presently had acceptable service in the geographic area of the proposed WTS facility from the applicant's existing WTS facilities in the vicinity of the proposed site.

5. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that the location of the proposed WTS facility is incompatible with the existing character of the neighborhood, contrary to the requirements of Section 303(c)(1) of the Planning Code.

6. The written and oral information provided by the appellant and her supporters at the July 22, 2003, public hearing showed that: (i) the area surrounding the proposed site is predominately residential and is adjacent to parks, scenic shorelines and historically significant buildings; (ii) the proposed WTS facility consists of eight panel antennas and twelve equipment cabinets weighing over seven tons; (iii) the proposed WTS facility would add height to a building that is the tallest in the neighborhood and that already exceeds the height restriction for the zoning district; and (iv) equipment that would be installed on the roof as part of the proposed WTS facility is likely to be noisy.

7. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that the location of the proposed WTS facility is undesirable for the neighborhood or the community, contrary to the requirements of Section 303(c)(1) of the Planning Code. Persons owning more than 49% of the properties within 300 feet of the proposed site have subscribed to the appeal. This figure includes 77% of the residential property owners. Many other persons living in the neighborhood signed petitions opposing the proposed WTS facility. In addition, members of the public expressed overwhelming opposition to the proposed WTS facility during the July 22, 2003 hearing before the Board.

8. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will unreasonably discriminate against the applicant in favor of providers of functionally equivalent services.

9. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will limit or prohibit access to wireless telecommunications services in the geographic area of the proposed site.

10. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will prevent the filling of a significant gap in wireless telecommunications services provided to remote users of those services in the geographic area of the proposed site, whether those remote users obtain service from the applicant or from other wireless service providers serving the City.

11. There is nothing in the record to suggest that the applicant exhausted its search for alternative sites for the proposed WTS facility or that the proposed WTS facility would be the least intrusive means for the applicant to improve its service quality in the geographic area of the proposed site.

12. In the written and oral information provided at the July 22, 2003, public hearing, members of the public expressed concern that radio frequency emissions from the proposed WTS facility would have adverse health effects on persons residing in the vicinity. In making these statements, members of the public exercised their constitutional right to petition the government. However, there is evidence in the record that the proposed WTS facility would comply with Federal Communications Commission safety standards for radio frequency radiation exposure. Thus, in disapproving the decision of the Planning Commission and denying the issuance of the requested conditional use authorization, the Board has not relied on the public testimony or public documentation concerning this issue and the Board has not based its determination on such a ground.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 9 made by the Planning Commission was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility is not necessary for the neighborhood or the community. The applicant is able to adequately provide service to the neighborhood and the community from its existing WTS facilities in the area of the proposed site.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 9 made by the Planning Commission was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility is not desirable for and compatible with the neighborhood or the community. The construction of the proposed WTS facility would result in an additional intrusion of unnecessary, noticeable equipment into a neighborhood that contains a high proportion of residential property and that is adjacent to parks, scenic shorelines and historically significant buildings. The proposed WTS facility is not so located, designed, and treated architecturally as to minimize visibility from public places. The proposed WTS facility is not generally in harmony with neighborhood character.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 10 made by the Planning Commission was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility is not in conformity with, and would not implement the policies of, the City's General Plan, in that the installation of the proposed WTS facility will not further any of the objectives referred to by the Planning Commission.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 11 made by the Planning was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility does not conform with the priority planning policies established by Section 101.1(b) of the Planning Code because the proposed WTS facility: (i) is not necessary to preserve and enhance existing neighborhood-serving retail uses and to preserve and enhance future opportunities for resident employment in and ownership of such businesses (see Section 101.1(b)(1)); (ii) is not necessary to conserve and protect existing housing and neighborhood character (see Section 101.1(b)(2)); (iii) is not necessary to preserve and enhance the City's supply of affordable housing (see Section 101.1(b)(3)); (iv) may increase commuter traffic and impede and overburden the streets (see Section 101.1(b)(4)); (v) is not necessary to maintain a diverse economic base by protecting the City's industrial and service sectors from displacement due to commercial office development or to enhance future opportunities for resident employment and ownership in these sectors (see Section 101.1(b)(5)); (vi) is not necessary to add to the City's preparedness to protect against injury and loss of life in an earthquake (see Section 101.1(b)(6)); (vii) is not necessary to preserve any landmarks and historic buildings (see Section 101.1(b)(7)); and (vii) is not necessary to protect City parks and open space and their access to sunlight and vistas from development (see Section 101.1(b)(8)).

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 12 made by the Planning Commission was incorrect and without substantiation, and the Board finds that the conditional use authorization would not promote the health, safety and welfare of the City, and will only add an unnecessary and redundant service and will result in an additional intrusion of unnecessary, noticeable equipment into a neighborhood that contains a high proportion of residential property and that is adjacent to parks, scenic shorelines and historically significant buildings.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, disapproved the decision of the Planning Commission by its Motion No. 16571 dated May 1, 2003, and denied the issuance of Conditional Use Authorization No. 2002.0657C.

City and County of San Francisco

Tails

Motion

File Number: 031377 **Date Passed:** August 19, 2003

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 2002.0657C (which approved the installation of a total of eight panel antennas and related equipment on the roof of an existing commercial building as part of Verizon's wireless telecommunications network within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District, Scenic SSD (Special Sign District) and a 40-X Height and Bulk District) on property located at 3725 Buchanan Street (a.k.a. 3727 Buchanan Street), on the west side between Beach and North Point Streets (Lot 004 in Assessor's Block 0445A).

—

August 8, 2003	Board of Supervisors — REFERRED: Board of Supervisors
August 19, 2003	Board of Supervisors — APPROVED Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin Excused: 3 - Daly, Maxwell, Sandoval

File No. 031377

I hereby certify that the foregoing Motion was APPROVED on August 19, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031378 MOTION NO. M03-14

[Final Map for a 5 Unit Residential Condominium Project]

Motion approving Final Map of 1151 Church Street, A Residential Condominium Project, being a subdivision of Lot 29 in Assessor's Block No. 3650, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 1151 Church Street, A Residential Condominium Project", being a subdivision of Lot 29, Portion of Assessor's Block No. 3650, comprising 5 sheets, approved the 6th day of August, 2003 by Department of Public Works Order No. 174,308, be and the same is hereby approved and adopted as the Official Map of "1151 Church Street, A Residential Condominium Project".

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated May 20, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:	DESCRIPTION APPROVED:
for Edwin M. Lee Director of Public Works	John R. Martin, L.S. County Surveyor

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City and County of San Francisco

Tails

Motion

File Number: 031378 **Date Passed:** August 19, 2003

Motion approving Final Map of 1151 Church Street, A Residential Condominium Project, being a subdivision of Lot 29 in Assessor's Block No. 3650, and adopting findings pursuant to Planning Code Section 101.1.

—

August 19, 2003 Board of Supervisors — APPROVED

Ayes: 7 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Peskin
Absent: 1 - Newsom
Excused: 3 - Daly, Maxwell, Sandoval

File No. 031378

I hereby certify that the foregoing Motion was APPROVED on August 19, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031414 MOTION NO. M03-144

[Department of Children, Youth and Their Families].

Motion directing the Office of the Legislative Analyst (OLA) to conduct research on planning efforts by the Department of Children, Youth and Their Families, including its grant allocation process, its interdepartmental planning efforts, its coordinating efforts with other city departments to effectively leverage new State, federal or private resources, and any other efforts the Department utilizes in order to best eliminate duplication of services.

MOVED, That the OLA shall conduct research on planning efforts by the Department of Children, Youth and Their Families, including its grant allocation process, its interdepartmental planning efforts, its coordinating efforts with other city departments to effectively leverage new State, federal or private resources, and any other efforts the Department utilizes in order to best eliminate duplication of services; and, be it

FURTHER MOVED, That the OLA shall survey other cities for best practices and analyze the feasibility and costs associated with adopting other management and operational structures for the Department of Children, Youth and Their Families; and, be it

FURTHER MOVED, That this analysis should result in a report to the Board of Supervisors within ninety days of this request.

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Motion

File Number: 031414 **Date Passed:** August 19, 2003

Motion directing the Office of the Legislative Analyst (OLA) to conduct research on planning efforts by the Department of Children, Youth and Their Families, including its grant allocation process, its interdepartmental planning efforts, its coordinating efforts with other city departments to effectively leverage new State, federal or private resources, and any other efforts the Department utilizes in order to best eliminate duplication of services.

—

August 19, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

File No. 031414

I hereby certify that the foregoing Motion was APPROVED on August 19, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031424

AS AMENDED IN BOARD – 8/19/03
MOTION NO. M03-145

[Directing the Office of the Controller to conduct a management audit of the Department of Children, Youth and Their Families].

Motion ~~directing~~ requesting the Office of the Controller to conduct a management audit of the Department of Children, Youth and Their Families.

WHEREAS, The Department of Children, Youth and Their Families enhances the lives and futures of San Francisco's children and youth through innovative partnerships with parents and youth, community organizations, city departments, schools, funders, and the private sector; and,

WHEREAS, The department's goal is to help San Francisco realize the vision of its Quality of Life Benchmarks, including 1) Children and youth are healthy, 2) Children and youth are ready to learn and are succeeding school, 3) Our city's children and youth live in safe, supported families and safe, successful, supported communities, and 4) Our city's children and youth contribute to the growth, development and vitality of San Francisco; and,

WHEREAS, There are five city departments and six citywide planning bodies that currently engage in planning efforts related to children and youth; and

WHEREAS, Given the current budget constraints at the State and local level, including projected budget deficits for the next fiscal year, it is incumbent for the City to identify ways to eliminate duplication of services, and to identify gaps in services or community needs where local resources like the Children's Baseline and the Children's Fund monies may be redirected; now, therefore, be it

MOVED, That the Board of Supervisors does hereby ~~direct~~ request the Office of the Controller to conduct a management audit of the Department of Children, Youth and Their Families ("DCYF"); and, be it

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FURTHER MOVED, That this audit shall make specific recommendations that (1) compare the DCYF management and operational structures to other cities and similar size; and (2) consider how to restructure DCYF in order to strengthen and improve its two critical function of policy and long-term planning and grant allocation.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031424 **Date Passed:** August 19, 2003

Motion directing the Office of the Controller to conduct a management audit of the Department of Children, Youth and Their Families.

—

August 19, 2003 Board of Supervisors — AMENDED

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

August 19, 2003 Board of Supervisors — APPROVED AS AMENDED

Ayes: 8 - Ammiano, Dufty, Gonzalez, Hall, Ma, McGoldrick, Newsom, Peskin
Excused: 3 - Daly, Maxwell, Sandoval

File No. 031424

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on August 19, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031379 MOTION NO. M03-141

[Final Map for a 64 Unit Residential Condominium Project]

Motion approving Final Map of St. Francis Bay Condominiums, 1 Crescent Way, A Residential Condominium Project, being a subdivision of Lot 235 in Assessor's Block No. 4991, accepting the offer of dedication of public improvements subject to completion, approving a public improvement agreement and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of St. Francis Bay Condominiums, 1 Crescent Way, A Residential Condominium Project", being a subdivision of Lot 235, Portion of Assessor's Block No. 4991, comprising 8 sheets, approved the 12th day of March, 2003 by Department of Public Works Order No. 174,007, be and the same is hereby approved and adopted as the Official Map of "St. Francis Bay Condominiums, 1 Crescent Way, A Residential Condominium Project".

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated May 16, 2001, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That because the subdivider has not completed the construction of required public improvements at this time, the Board of Supervisors, pursuant to California Government Code Section 66462, acknowledges and approves the St. Francis Bay Public Improvement Agreement, which is attached hereto and incorporated herein by reference. A copy of said Agreement and accompanying public improvement plans are on file with the Clerk of the Board of Supervisors in File No. 031379.

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FURTHER MOVED, The Board of Supervisors acknowledges and accepts, subject to completion the public improvements offered for dedication. Said improvements are more particularly described in the aforementioned public improvement agreement.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

City and County of San Francisco

Tails

Motion

City Hall
1 Dr Carlton B Goodlett Place
San Francisco, CA 94102-4689

File Number: 031379 **Date Passed:** August 26, 2003

Motion approving Final Map of St. Francis Bay Condominiums, 1 Crescent Way, A Residential Condominium Project, being a subdivision of Lot 235 in Assessor's Block No. 4991, accepting the offer of dedication of public improvements subject to completion, approving a public improvement agreement and adopting findings pursuant to Planning Code Section 101.1.

August 26, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Excused: 2 - Daly, Dufty

File No. 031379

I hereby certify that the foregoing Motion was APPROVED on August 26, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031380 MOTION M03-145

[Final Map for a 64 Unit Residential Condominium Project]

Motion approving Final Map of St. Francis Bay Condominiums, 101 Crescent Way, A Residential Condominium Project, being a subdivision of Lot 236 in Assessor's Block No. 4991, accepting the offer of dedication of public improvements subject to completion, approving a public improvement agreement and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of St. Francis Bay Condominiums, 101 Crescent Way, A Residential Condominium Project", being a subdivision of Lot 236, Portion of Assessor's Block No. 4991, comprising 8 sheets, approved the 12th day of March, 2003 by Department of Public Works Order No. 174,008, be and the same is hereby approved and adopted as the Official Map of "St. Francis Bay Condominiums, 101 Crescent Way, A Residential Condominium Project".

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated May 16, 2001, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That because the subdivider has not completed the construction of required public improvements at this time, the Board of Supervisors, pursuant to California Government Code Section 66462, acknowledges and approves the St. Francis Bay Public Improvement Agreement, which is attached hereto and incorporated herein by reference. A copy of said Agreement and accompanying public improvement plans are on file with the Clerk of the Board of Supervisors in File No. 031380.

FURTHER MOVED, The Board of Supervisors acknowledges and accepts, subject to completion the public improvements offered for dedication. Said improvements are more particularly described in the aforementioned public improvement agreement.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031380 **Date Passed:** August 26, 2003

Motion approving Final Map of St. Francis Bay Condominiums, 101 Crescent Way, A Residential Condominium Project, being a subdivision of Lot 236 in Assessor's Block No. 4991, accepting the offer of dedication of public improvements subject to completion, approving a public improvement agreement and adopting findings pursuant to Planning Code Section 101.1.

August 26, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

File No. 031380

I hereby certify that the foregoing Motion was APPROVED on August 26, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

File No. 031380

FILE NO. 031427 MOTION NO. M03-148

[Final Map for a 100 Unit Residential Condominium Project]

Motion approving Final Map of Channel Park Condominium, 255 Berry Street, a Residential Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8708, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of Channel Park Condominium, 255 Berry Street, a Residential Condominium Project", being a subdivision of Lot 4, Portion of Assessor's Block No. 8708, comprising 33 sheets, approved the 13th day of February, 2003 by Department of Public Works Order No. 174,317, be and the same is hereby approved and adopted as the Official Map of Channel Park Condominium, 255 Berry Street, A Residential Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated February 5, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That The Redevelopment Agency in its letter dated June 6, 2003 stated that the project is in conformance with the Mission Bay North Redevelopment Plan.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:	DESCRIPTION APPROVED:
for Edwin M. Lee Director of Public Works	John R. Martin, L.S. County Surveyor

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 031427 **Date Passed:** August 26, 2003

Motion approving Final Map of Channel Park Condominium, 255 Berry Street, a Residential Condominium Project, being a subdivision of Lot 4 Assessor's Block No. 8708, and adopting findings pursuant to Planning Code Section 101.1.

August 26, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

File No. 031427

I hereby certify that the foregoing Motion was APPROVED on August 26, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031455 MOTION NO. M03-149

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health: and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031455 **Date Passed:** August 26, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

August 26, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

File No. 031455

I hereby certify that the foregoing Motion was APPROVED on August 26, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031456 MOTION NO. M03-150

[Amending the Rules of the Board to require proposed charter amendments to be introduced at a Board meeting held not less than 168 days prior to an election, rather than 169 days.]

Motion amending Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election.

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby amends Rule 2.28.1 of the Rules of Order of the Board to read as follows.

2.28.1. Introduction; referral to committee; committee report. A proposed Charter amendment shall be introduced by a Supervisor at a regular Board meeting held not less than ~~*169*~~ *168* days prior to the election at which it is to be acted upon by the electors. At that time, the sponsor shall submit complete text. The introduction of a "skeletal" Charter amendment shall not satisfy the requirement of this Rule. Upon introduction, the proposed Charter amendment shall be referred to the appropriate Board committee for public hearing.

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031456 **Date Passed:** August 26, 2003

Motion amending Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election.

August 26, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

File No. 031456

I hereby certify that the foregoing Motion was APPROVED on August 26, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031459 MOTION NO. M03-151

[Committee of the Whole.]

Motion scheduling a Committee of the Whole to consider a proposed amendment Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election, to be held on August 26, 2003 at 4:00 p.m.

MOVED, That the Board of Supervisors convene as a Committee of the Whole to consider a proposed amendment of Rule 2.28.1 of the Rules of Order of the Board of Supervisors.

Tails

Motion

File Number: 031459 **Date Passed:** August 26, 2003

Motion scheduling a Committee of the Whole to consider a proposed amendment Rule 2.28.1 of the Rules of Order of the Board of Supervisors to require that a proposed charter amendment be introduced at a Board meeting held not less than 168 days prior to the election at which it is to be considered by the electors, rather than 169 days prior to the election, to be held on August 26, 2003 at 4:00 p.m.

August 26, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

File No. 031459

I hereby certify that the foregoing Motion was APPROVED on August 26, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031472 MOTION NO. M03-152

[Approving request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2002-03 Budget, unexpended annual budget appropriations in the amount of approximately $257,563.]

Motion approving the request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2002-03 Budget, unexpended annual budget appropriations in the amount of approximately $257,563 to provide funds for the first phase of costs associated with the legislative tracking system replacement.

WHEREAS, The Board of Supervisors' legislative tracking system is currently obsolete and is not supported by Microsoft or the vendor, Daystar; and

WHEREAS, During the Board of Supervisors approval of the Fiscal Year (FY) 2003-04 annual budget, the issue of the need to replace the legislative tracking system was discussed; and

WHEREAS, The Board of Supervisors approval of the FY 2003-04 annual budget included authorizing the Clerk of the Board to collect funds from enterprise departments for placement of official advertising in adjudicated newspapers and to recoup payments for ads placed during FY 2002-03; and

WHEREAS, The Office of the Clerk of the Board has made a concerted effort during the FY 2002-03 budget to reduce its line item expenditures; and

WHEREAS, The Office of the Clerk of the Board has estimated a savings of $257.563 from FY 2002-03 which may be reduced by $100,000 pending recouping the funds from enterprise departments for placement of official advertising; now therefore be it

MOVED, That the Board of Supervisors authorizes the Clerk of the Board to carry forward from the Fiscal Year 2002-03 Budget, unexpended annual budget appropriations in an amount not to exceed $257,563 to provide funds for the first phase of costs associated with the legislative tracking system replacement.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031472 **Date Passed:** August 26, 2003

Motion approving the request of the Clerk of the Board of Supervisors to carry forward from the Fiscal Year 2002-2003 Budget, unexpended annual budget appropriations in the amount of approximately $257,563 to provide funds for the first phase of costs associated with the legislative tracking system replacement.

—

August 26, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 2 - Daly, Dufty

File No. 031472

I hereby certify that the foregoing Motion was APPROVED on August 26, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031474 MOTION NO. M03-153

[Co-sponsorship of the World Congress on the Future of Work in March 2004.]

Motion approving the co-sponsorship of the World Congress on the Future of Work in March 2004.

WHEREAS, The Future of Work is an independent center of knowledge and expertise focused on the changing nature of work, the workforce, the workplace, and management practices; and

WHEREAS, The City and County of San Francisco is currently addressing how it will manage the workforce changes in the future; and

WHEREAS, The Clerk of the Board of Supervisors has participated in the Future of Work in addressing the succession knowledge management planning for the legislative branch of government; and

WHEREAS, The purpose of the Future of Work is unique in emphasizing the integration and coordination of technology, facilities management and human resource management; and

WHEREAS, The World Congress on the Future of Work plans to schedule plenary dialogue sessions in San Francisco during the week of March 15, 2004; and

WHEREAS, The City and County of San Francisco has been requested to co-sponsor the workshop at City Hall; and

WHEREAS, This will provide government with an opportunity to interact with this forward thinking organization that brings together leaders and practitioners to explore issues of common interest related to the future of work; now, therefore, be it

MOVED, That the Board of Supervisors approves co-sponsorship of the World Congress Future of Work conference.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031474 **Date Passed:** August 26, 2003

Motion approving the co-sponsorship of the World Congress on the Future of Work in March 2004.

—

August 26, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

Excused: 2 - Daly, Dufty

File No. 031474

I hereby certify that the foregoing Motion was APPROVED on August 26, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Amended in Board
7/22/03
(See Attached for amendments)

FILE NO. 031039 MOTION NO. M03-154

[Zoning Appeal]

Motion disapproving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the decision of the Planning Commission by its Motion No. 16572 dated May 1, 2003, approving Conditional Use Application No. 2002.0446CEV, subject to certain conditions, allowing the construction of an 84-foot tall residential building within an R (Residential) District pursuant to Planning Code Section 152; and allowing the construction of a building with full lot coverage in the Rincon Hill Special Use District pursuant to Planning Code Section 249.1(b)(1)(C) in an RC-4 District, a 84-R Height and Bulk District and the Rincon Hill Special Use District/Residential Subdistrict located at:

40-50 Lansing Street (a.k.a. 35 Guy Place); Lot 11, in Assessor's Block 3749,

be and the same is disapproved.

1	Board of Supervisors	7/22/2003	AMENDED	Passed

#1

Supervisor Daly, seconded by Supervisor McGoldrick, moved to amend the Planning Commission's decision by:
Removing 6 units from the top floor, set-back 2 units from (second floor) on the southern side of the building and removing the loading dock

Motion failed by the following vote.
Ayes 4 - Ammiano, Daly, Gonzalez, McGoldrick
Noes 7 - Dufty, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval

Board members reviewed with the Developer, Henry Lambert financial issues regarding the project.

Supervisor Hall, seconded by Supervisor Peskin, moved to amend the Planning Commission's decision to remove 4 units from the 7th & 8th southerly side of the building.

#2

Supervisor Daly, seconded by Supervisor Ammiano, moved to amend the previous amendment to include removing the loading dock.

Motion failed by the following vote:
Ayes: 5 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin
Noes: 6 - Dufty, Hall, Ma, Maxwell, Newsom, Sandoval

#3

Supervisor Hall, seconded by Supervisor Peskin, moved to amend the Planning Commission's decision to remove 4 units from the 7th & 8th southerly side of the building.
Motion carried by the following vote:
Ayes: 7 - Dufty, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval,
Noes. 4 - ammiano, Daly, Gonzalez, McGoldrick

#4

Supervisor Daly, seconded by Supervisor Newsom, moved to amend the previous amendment to include sufficient street lighting.
The motion carried without objection.

#5

Supervisor Peskin, seconded by Supervisors Daly and Ammiano, moved to further amend to include removing taking loading dock.
Motion carried by the following vote:
Ayes: 6 - Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin
Noes: 5 - Ammiano, Daly, Gonzalez, Newsom, Sandoval

1	Board of Supervisors	7/22/2003	APPROVED AS AMENDED	Passed

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 031039 **Date Passed:** July 22, 2003

Motion disapproving decision of the Planning Commission by its Motion No. 16572, approving Conditional Use Application No. 2002.0446CEV on property located at 40-50 Lansing Street (a.k.a. 35 Guy Place), and adopting findings pursuant to Planning Code Section 101.1.

June 24, 2003 Board of Supervisors — CONTINUED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Newsom, Peskin, Sandoval
Excused: 2 - Maxwell, McGoldrick

July 22, 2003 Board of Supervisors — AMENDED

Ayes: 10 - Ammiano, Daly, Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Gonzalez

July 22, 2003 Board of Supervisors — APPROVED AS AMENDED

Ayes: 10 - Ammiano, Daly, Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 1 - Gonzalez

File No. 031039

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on July 22, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Gloria L. Young
Clerk of the Board

FILE NO. 031235 MOTION NO. M03-155

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[Findings]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, for action by the Board at its next meeting.

IT IS HEREBY MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to proposed Conditional Use Application No. 2002.0497C on property located at 2026 Lombard Street, for action by the Board at its next meeting.

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 031235 **Date Passed:** September 16, 2003

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, for action by the Board at its next meeting.

August 12, 2003 Board of Supervisors — CONTINUED

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

File No. 031235

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031236

MOTION NO. M03-156

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[Environmental Review]

Motion certifying review of Final Negative Declaration relating to proposed Conditional Use of Property at 2026 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That on March 28, 2003, the Planning Department adopted and issued a Final Negative Declaration at 2026 Lombard Street, making a finding that the project would have no significant impact on the environment; and be it

FURTHER MOVED, That this Board of Supervisors certifies that it has reviewed said Final Negative Declaration and adopts as its own the findings of the Planning Department.

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031236 **Date Passed:** September 16, 2003

Motion certifying review of Final Mitigated Negative Declaration relating to proposed Conditional Use of property at 2026 Lombard Street.

August 12, 2003 Board of Supervisors — CONTINUED

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Daly
Excused: 1 - Newsom

File No. 031236

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031365

MOTION NO. M03-157

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[Tentative Subdivision Map]

Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive.

MOVED, That the decision of the Department of Public Works, dated August 4, 2003, affirming approval of Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in an NC-1 (Neighborhood Commercial Cluster) District, described as follows:

600 Portola Drive; Lot 1, in Assessor's Block No. 2892,

be and the same is approved.

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Motion

File Number: 031365 **Date Passed:** September 16, 2003

Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive.

August 26, 2003 Board of Supervisors — CONTINUED

Ayes: 7 - Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 2 - Daly, Dufty

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 1 - Sandoval

File No. 031365

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

File No. 031365

FILE NO. 031367 MOTION NO. M03-158

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[Tentative Subdivision Map]

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive.

MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project at 600 Portola Drive; Lot 1, in Assessor's Block No. 2892 for consideration by the Board at its next meeting.

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031367 **Date Passed:** September 16, 2003

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project in Assessor's Block 2892, Lot 1, at 600 Portola Drive.

August 26, 2003 Board of Supervisors — CONTINUED

Ayes: 7 - Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom
Excused: 2 - Daly, Dufty

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 1 - Sandoval

File No. 031367

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031442 MOTION NO. M03-159

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[Zoning Appeal]

Motion disapproving decision of the Planning Commission by its Motion No. 16614, approving Conditional Use Application No. 2002.0430C on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard) and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the decision of the Planning Commission by its Motion No.16614 dated July 17, 2003 approving a conditional use authorization, Case No. 2002.0430C, to mount a total of six panel antennas and related equipment on an approximately 53-foot tall commercial building as part of AT&T Wireless Services telecommunications network within an NC-3 (Moderate-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, pursuant to Section 712.83 of the Planning Code, on property located at:

378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard),
on the northwest corner of 9th Avenue and Geary Boulevard; Lot 035,
in Assessor's Block 1441,

be and the same is disapproved.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031442 **Date Passed:** September 16, 2003

Motion disapproving decision of the Planning Commission by its Motion No. 16614, approving Conditional Use Application No. 2002.0430C on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard) and adopting findings pursuant to Planning Code Section 101.1.

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin

Absent: 2 - Newsom, Sandoval

File No. 031442

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031443

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MOTION NO. M03-160

[Findings]

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0430C on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard), for action by the Board at its next meeting.

IT IS HEREBY MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to proposed Conditional Use Application 2002.0430C on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard), for action by the Board at its next meeting.

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 031443 **Date Passed:** September 16, 2003

Motion directing the Clerk of the Board to prepare findings relating to proposed Conditional use Application No. 2002.0430C on property located at 378 10th Avenue (aka 389 9th Avenue and/or 4500 Geary Boulevard), for action by the Board at its next meeting.

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin

Absent: 2 - Newsom, Sandoval

File No. 031443

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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FILE NO. 031450 MOTION NO. M03-161

[Affirm certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.]

Motion affirming the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.

WHEREAS, The Golden Gate Park Concourse Authority, project sponsor for an underground parking facility on part of Assessor's Block 1700, Lot 1 within Golden Gate Park (Phase I), related surface improvements to the Golden Gate Park Music Concourse area, an underground through street (Phase II), and various transportation improvement measures (collectively, the "Projects") submitted its application for environmental review of the Projects to the San Francisco Planning Department (the "Department"); and

WHEREAS, The Department created City Planning File No. 2001.9115E, subsequently determined that an environmental impact report was required for the Projects, and provided public notice of that determination by publication in a newspaper of general circulation on May 18, 2002; and

WHEREAS, On December 14, 2002, the Department published a draft environmental impact report (the "DEIR") and provided notice of the availability of the document for public review and comment. A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031449 and is incorporated by reference herein; and

WHEREAS, On January 23, 2003, the Planning Commission (the "Commission") held a duly noticed public hearing on the DEIR; and

WHEREAS, On January 28, 2003, the 50-day public comment period on the DEIR ended; and

WHEREAS, On July 3, 2003, the Department published a "Draft Summary of Comments and Responses" on the DEIR and distributed such document to the Commission and to all parties who commented on the DEIR. A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031449 and is incorporated by reference herein; and

WHEREAS, Prior to publication of the Draft Summary of Comments and Responses, the Project Sponsor's Executive Director notified the Planning Department that the preferred project as analyzed in the DEIR had been revised. The revised project, identified and analyzed in the DEIR as Alternative B, consists only of Phase I, the underground parking facility, and the transportation improvement measures (the "GGPCA Preferred Alternative"). Phase II, the underground through street, is not part of the GGPCA Preferred Alternative; and

WHEREAS, On July 17 and 24, 2003, the Commission, at a duly noticed public hearing, considered the certification of the final environmental impact report (the "FEIR"), which consists of the DEIR, the Draft Summary of Comments and Responses, and related documents; and

WHEREAS, On July 24, 2003, in Motion No. 16620, the Commission certified the FEIR finding that the contents of the FEIR and the procedures through which it was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act (Cal. Public Resources Code sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq., hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

WHEREAS, By said Motion No. 16620, the Commission found the FEIR reflected its independent judgment and analysis and was adequate, accurate, and objective, and certified the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31. Said

Motion is on file with the Clerk of the Board in File No. 031449 and is incorporated by reference herein; and

WHEREAS, By separate letters to the Clerk of the Board of Supervisors dated August 13, 2003, Stephen L. Willis and the Alliance for Golden Gate Park filed timely appeals of the FEIR certification to the Board of Supervisors; and

WHEREAS, On September 16, 2003, this Board held a duly notice public hearing to consider the appeal of the FEIR certification; and

WHEREAS, This Board has reviewed and considered the FEIR and heard testimony and received public comment regarding the adequacy of this document; and

WHEREAS, The FEIR files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street and are made part of the record before this Board by reference herein; and

WHEREAS, Since the Planning Commission action on the FEIR, there is no new information of significance that would require a substantial revision to the FEIR and necessitate recirculation of said document pursuant to CEQA Guideline section 15088.5; now, therefore, be it

MOVED, That based on substantial evidence in light of the whole record, this Board of Supervisors finds that : 1) the FEIR reflects its independent judgment and analysis and is adequate, accurate, and objective; 2) the FEIR's conclusions are correct; and 3) the findings contained in the Planning Commission certification are correct; and this Board hereby affirms the decision of the Planning Commission in its Motion No. 16620 to certify the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031450 **Date Passed:** September 16, 2003

Motion affirming the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Gonzalez

File No. 031450

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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FILE NO. 031482 MOTION NO. M03-162

[Affirm certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.]

Motion affirming the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.

WHEREAS, The Golden Gate Park Concourse Authority, project sponsor for an underground parking facility on part of Assessor's Block 1700, Lot 1 within Golden Gate Park (Phase I), related surface improvements to the Golden Gate Park Music Concourse area, an underground through street (Phase II), and various transportation improvement measures (collectively, the "Projects") submitted its application for environmental review of the Projects to the San Francisco Planning Department (the "Department"); and

WHEREAS, The Department created City Planning File No. 2001.9115E, subsequently determined that an environmental impact report was required for the Projects, and provided public notice of that determination by publication in a newspaper of general circulation on May 18, 2002; and

WHEREAS, On December 14, 2002, the Department published a draft environmental impact report (the "DEIR") and provided notice of the availability of the document for public review and comment. A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031481 and is incorporated by reference herein; and

WHEREAS, On January 23, 2003, the Planning Commission (the "Commission") held a duly noticed public hearing on the DEIR; and

WHEREAS, On January 28, 2003, the 50-day public comment period on the DEIR ended; and

WHEREAS, On July 3, 2003, the Department published a "Draft Summary of Comments and Responses" on the DEIR and distributed such document to the Commission and to all parties who commented on the DEIR. A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031481 and is incorporated by reference herein; and

WHEREAS, Prior to publication of the Draft Summary of Comments and Responses, the Project Sponsor's Executive Director notified the Planning Department that the preferred project as analyzed in the DEIR had been revised. The revised project, identified and analyzed in the DEIR as Alternative B, consists only of Phase I, the underground parking facility, and the transportation improvement measures (the "GGPCA Preferred Alternative"). Phase II, the underground through street, is not part of the GGPCA Preferred Alternative; and

WHEREAS, On July 17 and 24, 2003, the Commission, at a duly noticed public hearing, considered the certification of the final environmental impact report (the "FEIR"), which consists of the DEIR, the Draft Summary of Comments and Responses, and related documents; and

WHEREAS, On July 24, 2003, in Motion No. 16620, the Commission certified the FEIR finding that the contents of the FEIR and the procedures through which it was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act (Cal. Public Resources Code sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq., hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

WHEREAS, By said Motion No. 16620, the Commission found the FEIR reflected its independent judgment and analysis and was adequate, accurate, and objective, and certified the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31. Said

Motion is on file with the Clerk of the Board in File No. 031481 and is incorporated by reference herein; and

WHEREAS, By separate letters to the Clerk of the Board of Supervisors dated August 13, 2003, Stephen L. Willis and the Alliance for Golden Gate Park filed timely appeals of the FEIR certification to the Board of Supervisors; and

WHEREAS, On September 16, 2003, this Board held a duly notice public hearing to consider the appeal of the FEIR certification; and

WHEREAS, This Board has reviewed and considered the FEIR and heard testimony and received public comment regarding the adequacy of this document; and

WHEREAS, The FEIR files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street and are made part of the record before this Board by reference herein; and

WHEREAS, Since the Planning Commission action on the FEIR, there is no new information of significance that would require a substantial revision to the FEIR and necessitate recirculation of said document pursuant to CEQA Guideline section 15088.5; now, therefore, be it

MOVED, That based on substantial evidence in light of the whole record, this Board of Supervisors finds that : 1) the FEIR reflects its independent judgment and analysis and is adequate, accurate, and objective; 2) the FEIR's conclusions are correct; and 3) the findings contained in the Planning Commission certification are correct; and this Board hereby affirms the decision of the Planning Commission in its Motion No. 16620 to certify the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031482 **Date Passed:** September 16, 2003

Motion affirming the Planning Commission certification of the final environmental impact report for the Golden Gate Park Concourse Authority Projects.

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Dufty, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 3 - Ammiano, Daly, Gonzalez

File No. 031482

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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FILE NO. 031486 MOTION NO. M03-163

[Affirm certification of the final environmental impact report for the 301 Mission Street Project.]

Motion affirming the Planning Commission certification of the final environmental impact report for the 301 Mission Street Project.

WHEREAS, The project sponsor for a mixed-use development at 301 Mission Street, Assessor's Block 3719, Lots 1 and 17 (the "Project") submitted its application for environmental review of the Project to the San Francisco Planning Department (the "Department"); and

WHEREAS, The Department created City Planning File No. 2001.0792E, subsequently determined that an environmental impact report was required for the Project, and provided public notice of that determination by publication in a newspaper of general circulation on May 11, 2002; and

WHEREAS, On February 15, 2003, the Department published a draft environmental impact report (the "DEIR") (State Clearinghouse Number 2002052062) and provided notice of the availability of the document for public review and comment. A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031485 and is incorporated by reference herein; and

WHEREAS, On March 20, 2003, the Planning Commission (the "Commission") held a duly noticed public hearing on the DEIR; and

WHEREAS, On April 3, 2003, the 47-day public comment period on the DEIR ended; and

WHEREAS, On July 17, 2003, the Department published a "Draft Summary of Comments and Responses" on the DEIR and distributed such document to the Commission and to all parties who commented on the DEIR. A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031485 and is incorporated by reference herein; and

WHEREAS, Prior to publication of the Draft Summary of Comments and Responses, the project sponsor notified the Planning Department that its preferred alternative is the Project analyzed in the main text of the DEIR with the incorporation of Alternative E-1: To Accommodate Transbay Terminal and Second-to-Main Street Caltrain Extension Alignment; and

WHEREAS, On July 31, 2003, the Commission, at a duly noticed public hearing, considered the certification of the final environmental impact report (the "FEIR"), which consists of the DEIR, the Draft Summary of Comments and Responses, and related documents; and

WHEREAS, On this same date, in Motion No. 16621, the Commission certified the FEIR finding that the contents of the FEIR and the procedures through which it was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act (Cal. Public Resources Code sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq., hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

WHEREAS, By said Motion No. 16621, the Commission found the FEIR reflected its independent judgment and analysis and was adequate, accurate, and objective, and certified the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31. Said Motion is on file with the Clerk of the Board in File No. 031485 and is incorporated by reference herein; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated August 20, 2003 Sue C. Hestor, on behalf of the Rincon Hill Residents Association, filed a timely appeal of the FEIR certification to the Board of Supervisors; and

WHEREAS, On September 16, 2003, this Board held a duly notice public hearing to consider the appeal of the FEIR certification; and

WHEREAS, This Board has reviewed and considered the FEIR and heard testimony and received public comment regarding the adequacy of this document; and

WHEREAS, The FEIR files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street and are made part of the record before this Board by reference herein; and

WHEREAS, Since the Planning Commission action on the FEIR, there is no new information of significance that would require a substantial revision to the FEIR and necessitate recirculation of said document pursuant to CEQA Guideline section 15088.5; now, therefore, be it

MOVED, That based on substantial evidence in light of the whole record, this Board of Supervisors finds that : 1) the FEIR reflects its independent judgment and analysis and is adequate, accurate, and objective; 2) the FEIR's conclusions are correct; and 3) the findings contained in the Planning Commission certification are correct; and this Board hereby affirms the decision of the Planning Commission in its Motion No. 16621 to certify the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031486 **Date Passed:** September 16, 2003

Motion affirming the Planning Commission certification of the final environmental impact report for the 301 Mission Street Project.

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 6 - Daly, Dufty, Hall, Ma, McGoldrick, Peskin
Noes: 3 - Ammiano, Gonzalez, Maxwell
Absent: 2 - Newsom, Sandoval

File No. 031486

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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FILE NO. 031496 MOTION NO. M03-164

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty
BOARD OF SUPERVISORS

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031496 **Date Passed:** September 16, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 7 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin
Absent: 4 - Ammiano, McGoldrick, Newsom, Sandoval

File No. 031496

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031520 MOTION NO M03-165

[Final Map for a 5 Unit Residential Condominium Project]

Motion approving Final Map of 3284 San Bruno Avenue, A Residential Condominium Project, being a subdivision of Lot 10 in Assessor's Block No. 6157, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 3284 San Bruno Avenue, A Residential Condominium Project", being a subdivision of Lot 10, Portion of Assessor's Block No. 6157, comprising 6 sheets, approved the 3rd day of September, 2003 by Department of Public Works Order No. 174,368, be and the same is hereby approved and adopted as the Official Map of 3284 San Bruno Avenue, A Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated March 26, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Tails

Motion

File Number: 031520 **Date Passed:** September 16, 2003

Motion approving Final Map of 3284 San Bruno Avenue, A Residential Condominium Project, being a subdivision of Lot 10 in Assessor's Block No. 6157, and adopting findings pursuant to Planning Code Section 101.1.

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 7 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin
Absent: 4 - Ammiano, McGoldrick, Newsom, Sandoval

File No. 031520

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031521 MOTION NO. M03-166

[Final Map for an 31 Unit Live Work / Commercial Condominium Project]

Motion approving Final Map of 380 10th Street, a Live Work / Commercial Condominium Project, being a subdivision of Lot 86 in Assessor's Block No. 3520, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 380 10th Street, A Live Work / Commercial Condominium Project", being a subdivision of Lot 86, Portion of Assessor's Block No. 3520, comprising 8 sheets, approved the 10th day of September, 2003 by Department of Public Works Order No. 174,371, be and the same is hereby approved and adopted as the Official Map of 380 10th Street, A Live Work / Commercial Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated February 12, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031521 **Date Passed:** September 16, 2003

Motion approving Final Map of 380 10th Street, a Live Work/Commercial Condominium Project, being a subdivision of Lot 86 in Assessor's Block No. 3520, and adopting findings pursuant to Planning Code Section 101.1.

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 7 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin
Absent: 4 - Ammiano, McGoldrick, Newsom, Sandoval

File No. 031521

I hereby certify that the foregoing Motion was APPROVED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031266 MOTION NO. M03-167

[Affirm adoption of the negative declaration for 2026 Lombard Street]

Motion affirming the Planning Commission adoption of the negative declaration for 2026 Lombard Street.

WHEREAS, The project sponsor for a development at 2026 Lombard Street (the "Project") submitted its application for environmental review of the Project on May 9, 2002 (City Planning File No. 2002.0497E); and

WHEREAS, The San Francisco Planning Department (the "Department") issued a preliminary mitigated negative declaration for this Project on March 29, 2003 (the "negative declaration"). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031265 and is incorporated by reference herein; and

WHEREAS, On April 21, 2003, the negative declaration was timely appealed to the San Francisco Planning Commission (the "Commission"); and

WHEREAS, On June 12, 2003, the Commission held a duly noticed public hearing on the negative declaration appeal; and

WHEREAS, On said date, the Commission reviewed and considered the preliminary mitigated negative declaration, as amended, the appeal letter, a responses to concerns document that the Department prepared, and public testimony. By Motion No. 16595, the Commission found that the contents of the negative declaration and the procedures through which it was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act (Cal. Pub. Res. Code sections 21000 et seq., hereinafter "CEQA") the State CEQA Guidelines (Cal. Code Regs. Title 14, sections 15000 et seq., ("CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

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WHEREAS, By said Motion No. 16595, the Commission found the negative declaration reflected its independent judgment and analysis and was adequate, accurate, and objective, and adopted the negative declaration in compliance with CEQA, the State CEQA Guidelines, and Chapter 31. Said motion is on file with the Clerk of the Board in File No. 031265 and is incorporated by reference herein; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated July 14, 2003, Stephen M. Williams filed an appeal of the negative declaration to the Board of Supervisors; and

WHEREAS, The Clerk of the Board of Supervisors received this appeal letter on or around July 15, 2003; and

WHEREAS, On August 12, 2003, this Board held a duly notice public hearing to consider the appeal of the negative declaration; and

WHEREAS, This Board has reviewed and considered the negative declaration and heard testimony and received public comment regarding the adequacy of this document; and

WHEREAS, The negative declaration files and all correspondence and other documents have been made available for review by this Board, the Commission and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; and

WHEREAS, Since the Planning Commission action on the negative declaration, there is no new information of significance that would require a substantial revision to the negative declaration and necessitate recirculation of said document pursuant to CEQA Guideline section 15073.5; now, therefore, be it

MOVED, That based on substantial evidence in light of the whole record, this Board of Supervisors finds the negative declaration reflects its independent judgment and analysis and is adequate, accurate, and objective, and hereby affirms the decision of the Planning Commission in its Motion No. 16595 to adopt the negative declaration in compliance with CEQA, the State CEQA Guidelines, and Chapter 31.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031266 **Date Passed:** September 16, 2003

Motion affirming the Planning Commission adoption of the negative declaration for 2026 Lombard Street.

August 12, 2003 Board of Supervisors — CONTINUED

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

September 16, 2003 Board of Supervisors — APPROVED

Ayes: 7 - Ammiano, Dufty, Hall, Ma, Maxwell, Peskin, Sandoval
Noes: 3 - Daly, Gonzalez, McGoldrick
Excused: 1 - Newsom

FILE NO. 031234

Amendment of the Whole in Board – 9/16/03
MOTION NO. M03-168

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[Zoning Appeal.]

Motion disapproving decision of the Planning Commission by its Motion No. 16596 approving Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, and approving the issuance of the requested conditional use permit subject to the conditions imposed by the Planning Commission, and further subject to additional conditions imposed by the Board of Supervisors.

MOVED, That the decision of the Planning Commission by its Motion No. 16596, dated June 12, 2003, approving Conditional Use Application No. 2002.0497C, to allow the construction of an approximately 49,000 square foot 97 room tourist hotel with 78 off-street parking spaces on a lot containing approximately 13,600 square feet, pursuant to Planning Code Sections 712.11, 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, on property located at:

2026 Lombard Street, north side, between Fillmore and Webster Streets; Lot 025 in Assessor's Block 0492,

be and the same is disapproved.

FURTHER MOVED, That the Board of Supervisors approves the issuance of Conditional use Application No. 2002.0497C, subject to the conditions imposed by the Planning Commission, and subject to the following additional conditions imposed by the Board of Supervisors:

1. The fourth floor of the proposed project shall be further revised to delete from the rear portion of the fourth floor of the building an additional twenty feet, in addition to the feet

previously removed from the rear portion of the fourth floor by the Planning Commission.

2. The third floor of the proposed project shall be further revised to delete from the rear portion of the third floor of the building an additional ten feet, in addition to the feet previously removed from the rear portion of the third floor by the Planning Commission.

3. The City and County of San Francisco and its officers and employees shall be named as additional insureds in insurance policies to be obtained for the proposed construction work related to this project.

4. Rigid wall support is required for all of the excavation work performed at the construction site.

5. Pump testing and data reporting (to the City) for the construction site is required.

6. If permittees receive permission to enter the property of adjacent property owners during construction of the project, then all structures on the adjacent property shall be underpinned. If permittees do not receive permission to enter the property of adjacent property owners during construction of the project, then the permittees shall provide rigid shoring of the adjacent property at the construction site, including the use of pre-stressed materials.

7. No permits for work on the project construction site shall be issued until the project has received Structural Advisory Committee peer review.

City Hall
1 Dr. Carlton B Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 031234 **Date Passed:** September 16, 2003

Motion disapproving decision of the Planning Commission by its Motion No. 16596 approving Conditional Use Application No. 2002.0497C, on property located at 2026 Lombard Street, and adopting findings pursuant to Planning Code Section 101.1.

August 12, 2003 Board of Supervisors — CONTINUED

Ayes: 7 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick
Excused: 4 - Hall, Newsom, Peskin, Sandoval

September 16, 2003 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING SAME TITLE

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Newsom

September 16, 2003 Board of Supervisors — APPROVED AS AMENDED

Ayes: 9 - Ammiano, Daly, Dufty, Gonzalez, Hall, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 1 - Ma
Excused: 1 - Newsom

File No. 031234

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031524 MOTION NO. M03-169

[Reversing decision of DPT and approving the requested closure of Mission St. between 24th and 25th on ~~October 25, 2003~~ October 26, 2003, for Immigrant Pride Day]

Motion reversing the decision of the Director of the Department of Parking and Traffic and approving the requested temporary closure of Mission Street, between 24th and 25th Streets, on ~~October 25, 2003~~ October 26, 2003 (7am to 7pm), for Immigrant Pride Day.

WHEREAS, On September 2, 2003, the Director of the Department of Parking and Traffic, after ISCOTT's decision to deny the requested temporary closure was appealed to the Department, disapproved the request of the Immigrant Rights Movement for the temporary closure of Mission Street, between 24th and 25th Streets, on ~~October 25, 2003~~ October 26, 2003 (7am to 7pm), for Immigrant Pride Day; and,

WHEREAS, On September 3, 2003, the Immigrant Rights Movement, through Carlos Petroni, filed an appeal of the Department's decision to the Board of Supervisors, under the provisions of Section 801 of the San Francisco Traffic Code; and,

WHEREAS, The appellants sought to reverse the decision of the Director and have the permit issued, and also sought to achieve a reduction in the fees that would be charged by the City for the conduct of the event; and,

WHEREAS, Section 801 of the Traffic Code requires that the appeal be scheduled for the next regularly scheduled meeting of the Board of Supervisors, in conformance with public notice requirements, and that meeting is September 16, 2003; and,

WHEREAS, On September 16, 2003, the Board of Supervisors conducted the hearing on the appeal and considered all of the public testimony presented by all interested persons, both oral and written; now, therefore, be it

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MOVED, That the Board of Supervisors reverses the decision of the Director of the Department of Parking and Traffic and approves the requested temporary closure of Mission Street, between 24th and 25th Streets, on ~~October 25, 2003~~ October 26, 2003, for Immigrant Pride Day, subject to the fees imposed upon this event in conformance with the San Francisco Traffic Code.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031524 **Date Passed:** September 16, 2003

Motion reversing the decision of the Director of the Department of Parking and Traffic and approving the requested temporary closure of Mission Street, between 24th and 25th Streets, on October 26, 2003 (7am to 7pm), for Immigrant Pride Day.

September 16, 2003 Board of Supervisors — AMENDED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Noes: 1 - Hall
Absent: 2 - Newsom, Sandoval

September 16, 2003 Board of Supervisors — APPROVED AS AMENDED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Peskin
Noes: 1 - Hall
Absent: 2 - Newsom, Sandoval

File No. 031524

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on September 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

File No. 031524

FILE NO. 031173 MOTION NO. M03-170

[Adopting findings related to the conditional use appeal on property located at 1017 Ocean Avenue.]

Motion adopting findings related to the appeal of the approval of the Planning Commission of Conditional Use Application No. 2002.1231C (which authorized, subject to conditions, the installation of three panel antennas on a stair penthouse located at an existing three-story multi-use structure (commercial/residential) as part of the wireless telecommunications network operated by Verizon Wireless) within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, pursuant to Section 711.83 of the Planning Code, on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues (Lot 041 in Assessor's Block 6945).

The appellant, Tsu Lan Lam, filed a timely appeal on May 24, 2003, pursuant to Section 711.83 of the Planning Code, protesting the approval by the Planning Commission of an application for a conditional use authorization (Conditional Use Application No. 2003.1231C, approved by Planning Commission Motion No. 16558 on March 27, 2003), to install, subject to certain conditions imposed by the Planning Commission, three panel antennas on a stair penthouse located at an existing three-story multi-use structure (commercial/ residential) as part of the wireless telecommunications network operated by Verizon Wireless within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, pursuant to Section 711.83 of the Planning Code, on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues (Lot 041 in Assessor's Block 6945).

The San Francisco Planning Commission adopted the Wireless Telecommunications Services ("WTS") Facilities Siting Guidelines in August of 1996 ("Guidelines") to assist the Planning Department in its consideration of applications for conditional use authorization to

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install WTS facilities. These Guidelines are not binding on the Board of Supervisors. The Guidelines establish location preferences for installation of WTS facilities throughout the City. The location preferences set forth seven categories, with location preference 1 being the most preferred sites and location preference 7 being the most disfavored sites. The property located at 1017 Ocean Avenue would fall within a location preference 5 because it consists of housing above a commercial space within an NC-2 Zoning District. The property falls within a location preference 2 because there is an existing WTS antenna on the property. The area immediately surrounding the commercial district on Ocean Avenue where the property is located is entirely residential and falls with a location preference 7.

On June 17, 2003, the Board of Supervisors conducted a duly noticed public hearing on the appeal from the Planning Commission's approval of the conditional use application referred to in the first paragraph of this motion. Following the conclusion of the public hearing on June 17, 2003, the Board voted to disapprove the decision of the Planning Commission (Planning Commission Motion No. 16558) and denied the issuance of the requested Conditional Use Application No. 2003.1231C by a vote of eight to two.

In considering the appeal of the approval of the requested conditional use authorization, the Board reviewed and considered the written record before the Board and all of the public comments made in support of and in opposition to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 16558 on March 27, 2003, except as indicated below; and be it

FURTHER MOVED, That the Board of Supervisors further took notice that the project was categorically exempt from environmental review as a Class I exemption under Title 14 of the California Administrative Code. The Board finds that there have been no substantial changes in project circumstances and no new information of substantial importance that would change the determination of categorical exemption issued by the Planning Commission; and, be it

FURTHER MOVED, That the Board of Supervisors finds that:

1. The written and oral information provided by the applicant to the Board was not persuasive or objectively verified and the applicant was unable to demonstrate credibly that the proposed WTS facility is necessary for the neighborhood or the community, contrary to the requirements of Section 303(c)(1) of the Planning Code.

2. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that there is no necessity for the proposed WTS facility to be approved and installed for residential or business purposes in the neighborhood or the community because the proposed WTS facility will only be used to provide an unnecessary and redundant service in the geographic area of the proposed site.

3. Members of the public testified that at least three other wireless carriers provide adequate service in the geographic area of the proposed WTS facility. In addition, evidence in the record demonstrated that Sprint PCS has an existing WTS facility at the same location as the applicant's proposed WTS facility and that Cingular Wireless, Sprint PCS and MetroPCS have WTS facilities on the roof of a fire station located nearby at 1000 Ocean Avenue. Accordingly, members of the public testified, overwhelmingly, that there was not a need for an additional WTS facility in this neighborhood.

4. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission also supported the appellant's position that there is no necessity for the proposed WTS facility to be approved and installed for residential or business purposes in the neighborhood

because the proposed WTS facility is not necessary to meet the applicant's service demands within the geographic service area defined by the applicant.

5. The written and oral information provided by the applicant to the Planning Commission and the Board shows that, according to the applicant, its present service in the area of the proposed WTS facility is "marginal."

6. Notwithstanding this information submitted by the applicant, at the June 17, 2003 public hearing the appellant submitted information that showed that the applicant had acceptable coverage in the geographic area of the proposed WTS facility. Testimony from members of the public also indicated that the applicant has adequate coverage in the vicinity of the proposed WTS facility.

7. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that the location of the proposed WTS facility is incompatible with the existing character of the neighborhood, contrary to the requirements of Section 303(c)(1) of the Planning Code.

8. Appellants showed that the City has gone to great expense to improve Ocean Avenue including the block between Lee and Harold Avenues where the proposed WTS facility would be located. These improvements included new sidewalks and transit platforms. Further, the installation of three additional WTS antennas at this location would give the property and the neighborhood the appearance of an antennae farm. While the Planning Commission in the Guidelines recognized the advantage of co-locating WTS facilities, the Planning Commission also noted the importance of avoiding the antennae farm visual impact of too many antennas on one property.

9. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission

supported the appellant's position that the location of the proposed WTS facility is undesirable, contrary to the requirements of Section 303(c)(1) of the Planning Code. Forty-three percent of persons owning property within 300 feet of the proposed site have subscribed to the appeal. During the June 17, 2003 hearing before the Board, there was substantial opposition to the proposed site from members of the public.

10. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will unreasonably discriminate against the applicant in favor of providers of functionally equivalent services.

11. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will limit or prohibit access to wireless telecommunications service in the geographic area of the proposed site.

12. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will prevent the filling of a significant gap in wireless telecommunications services provided to remote users of those services in the geographic area of the proposed site, whether those remote users obtain service from the applicant or from other wireless carriers serving the City.

13. There is nothing in the record to suggest that the applicant exhausted its search for alternative sites for the proposed WTS facility or that the proposed WTS facility would be the least intrusive means for the applicant to improve its service quality in the geographic area of the proposed site.

14. During the public hearing on June 17, 2003 and in the public documentation members of the public expressed concern that the radio frequency emissions from the proposed WTS facility would have adverse health effects on persons residing in the vicinity of the proposed site. In making these statements, members of the public exercised their constitutional right to petition the government. However, there is evidence in the record that

the radio frequency emissions from the proposed WTS facility would comply with regulations promulgated by the Federal Communications Commission. Thus, in disapproving the decision of the Planning Commission and denying the issuance of the requested conditional use application, the Board has not relied on the public testimony or public documentation concerning this issue and the Board has not based its determination on such a ground.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 8 made by the Planning Commission was incorrect and without substantiation, and the Board finds that the installation of the proposed WTS facility is not necessary for the neighborhood or the community because the neighborhood and the community are adequately served by existing WTS facilities in the neighborhood and because the proposed WTS facility is not necessary to meet the applicant's service demands within the geographic service area defined by the applicant.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 8 made by the Planning Commission was incorrect and without substantiation, and the Board finds that the installation of the proposed WTS facility is not desirable for and compatible with the neighborhood or the community because the proposed facility will result in an additional intrusion of unnecessary, noticeable equipment into a neighborhood that contains a high proportion of residential property and small businesses and that the City has gone to great expense to improve; and because the neighborhood already has a number of WTS facilities in the vicinity of the proposed site giving the property and the neighborhood the appearance of an antennae farm; and because the placement of the proposed WTS facility is not so located, designed and treated architecturally as to minimize visibility from public places; and because the proposed WTS facility is not generally in harmony with neighborhood character.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 9 made by the Planning Commission was incorrect and without substantiation, and finds that the installation of the proposed WTS facility is not in conformity with, and would not implement the policies of the City's General Plan, in that the installation of the proposed WTS facility will not further any of the objectives referred to by the Planning Commission.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 10 made by the Planning was incorrect and without substantiation, and the Board finds that the installation of the proposed WTS facility does not conform with the planning priorities established by Section 101.1(b) of the Planning Code because the proposed WTS facility: (i) is not necessary to preserve and enhance existing neighborhood-serving retail uses and to preserve and enhance future opportunities for resident employment in and ownership of such businesses (see Section 101.1(b)(1)); (ii) is not necessary to conserve and protect existing housing and neighborhood character (see Section 101.1(b)(2)); (iii) is not necessary to preserve and enhance the City's supply of affordable housing (see Section 101.1(b)(3)); (iv) is not necessary to maintain a diverse economic base by protecting the City's industrial and service sectors from displacement due to commercial office development or to enhance future opportunities for resident employment and ownership in these sectors (see Section 101.1(b)(5)); (v) is not necessary to add to the City's preparedness to protect against injury and loss of life in an earthquake (see Section 101.1(b)(6)); (vi) is not necessary to preserve any landmarks and historic buildings (see Section 101.1(b)(7)); and (vii) is not necessary to protect City parks and open space and their access to sunlight and vistas from development (see Section 101.1(b)(8)).

FURTHER MOVED, That based upon the findings made in the preceding paragraphs. the Board of Supervisors finds that Finding 11 made by the Planning Commission was incorrect and without substantiation, and the Board finds that the conditional use authorization would not promote the health, safety and welfare of the City, and will only add an unnecessary and redundant service and will result in an additional intrusion of unnecessary, noticeable equipment into a neighborhood that contains a high proportion of residential property.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, disapproved the decision of the Planning Commission by its Motion No. 16558, dated March 27, 2003, and denied the issuance of Conditional Use Application No. 2003.1231C.

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031173 **Date Passed:**

Motion adopting findings related to the appeal of the approval of the Planning Commission of Conditional Use Application No. 2002.1231C (which authorized, subject to conditions, the installation of three panel antennas on a stair penthouse located at an existing three-story multi-use structure (commercial/residential) as part of the wireless telecommunications network operated by Verizon Wireless) within an NC-2 (Small-Scale Neighborhood Commercial) Zoning District and a 40-X Height and Bulk District, pursuant to Section 711.83 of the Planning Code, on property located at 1017 Ocean Avenue, south side between Lee and Harold Avenues (Lot 041 in Assessor's Block 6945).

June 30, 2003 Board of Supervisors — REFERRED: Board of Supervisors

July 8, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

File No. 031173

I hereby certify that the foregoing Motion was APPROVED on July 8, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

File No. 031173

FILE NO. 031529 MOTION NO. M03-171

[Final Map for a 9 Unit Mixed Use Condominium Project]

Motion approving Final Map of 581 Hayes Street, A Mixed Use Condominium Project, being a subdivision of Lot 54, Assessor's Block No. 818, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 581 Hayes Street, A Mixed Use Condominium Project", being a subdivision of Lot 54, Portion of Assessor's Block No. 818, comprising 6 sheets, approved the 10th day of September, 2003 by Department of Public Works Order No. 174,381, be and the same is hereby approved and adopted as the Official Map of 581 Hayes Street, A Mixed Use Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated July 24, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

For Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Motion

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File Number: 031529 **Date Passed:** September 23, 2003

Motion approving Final Map of 581 Hayes Street, A Mixed Use Condominium Project, being a subdivision of Lot 54, Assessor's Block No. 818, and adopting findings pursuant to Planning Code Section 101.1.

September 23, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031529

I hereby certify that the foregoing Motion was APPROVED on September 23, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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FILE NO. 031536

MOTION NO. M03-172

[Final Map for a 50 Unit Residential Condominium Project]

Motion approving Final Map of 1 Federal Street, a Residential Condominium Project, being a subdivision of Lot 189 in Assessor's Block No. 3774, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 1 Federal Street, A Residential Condominium Project", being a subdivision of Lot 189, Portion of Assessor's Block No. 3774 comprising 4 sheets, approved the 10th day of September, 2003 by Department of Public Works Order No. 174,383, be and the same is hereby approved and adopted as the Official Map of 1 Federal Street, A Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated April 16, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by the reference herein as though fully set forth the findings made that the proposed development is consistent with the Owner Participation Agreement & Disposition and Development Agreement by the Redevelopment Agency's letter dated March 12, 2002.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031536 **Date Passed:** September 23, 2003

Motion approving Final Map of 1 Federal Street, a Residential Condominium Project, being a subdivision of Lot 189 in Assessor's Block No. 3774, and adopting findings pursuant to Planning Code Section 101.1.

September 23, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031536

I hereby certify that the foregoing Motion was APPROVED on September 23, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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FILE NO. 031537

MOTION NO. M03-173

[Final Map for a 192 Unit Residential / Commercial Condominium Project]

Motion approving Final Map of 200 Brannan Street a Residential / Commercial Condominium Project, being a subdivision of Lot 190 in Assessor's Block No. 3774, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 200 Brannan Street, A Residential / Commercial Condominium Project", being a subdivision of Lot 190, Portion of Assessor's Block No. 3774 comprising 13 sheets, approved the 10th day of September, 2003 by Department of Public Works Order No. 174,384, be and the same is hereby approved and adopted as the Official Map of 200 Brannan Street, A Residential / Commercial Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated April 16, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by the reference herein as though fully set forth the findings made that the proposed development is consistent with the Owner Participation Agreement & Disposition and Development Agreement by the Redevelopment Agency's letter dated March 12, 2002.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031537 **Date Passed:** September 23, 2003

Motion approving Final Map of 200 Brannan Street a Residential/Commercial Condominium Project, being a subdivision of Lot 190 in Assessor's Block No. 3774, and adopting findings pursuant to Planning Code Section 101.1.

September 23, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031537

I hereby certify that the foregoing Motion was APPROVED on September 23, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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FILE NO. 031540

MOTION NO. M03-174

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031540 **Date Passed:** September 23, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

September 23, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031540

I hereby certify that the foregoing Motion was APPROVED on September 23, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031550 MOTION NO. M03-175

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[Public Hearing – Eminent Domain]

Motion directing the Board of Supervisors to hold a public hearing on October 7, 2003, at 4:00 p.m. to consider adopting a resolution of necessity for the City's proposed acquisition by eminent domain for open space of Lot 001 in Assessor's Block 0074, in San Francisco.

WHEREAS, The Director of Planning in his letter dated August 15, 2003 found that the acquisition of the Property is categorically exempt from environmental review under CEQA and is consistent with the City's General Plan and with the Eight Priority Policies of City Planning Code Section 101.1; and, now, therefore, be it

MOVED, That it is the intention of the Board of Supervisors to hold a public hearing in accordance with Section 1245.235 of the California Code of Civil Procedure by all of its members to consider adopting a Resolution of Necessity (the "Resolution") to acquire the Property by eminent domain, and entitled "Authorizing acquisition of Lot 001 in Assessor's Block 0074, in San Francisco, by eminent domain for open space, and adopting findings under Planning Code Section 101.1"; and, be it

FURTHER MOVED, That the public hearing will be set in such a manner that each person whose name and address appears for the Property on the City's last equalized tax assessment roll of the City shall receive by first-class mail fifteen (15) days' notice of the public hearing, at which each person may appear and be heard on whether: (1) the public interest and necessity require the acquisition of the Property by eminent domain; (2) the acquisition of the Property by eminent domain is planned or located in the manner that will be most compatible with the greatest public good and least private injury: (3) the Property is necessary for open space ; and (4) the City has made the offers to the owners of record of the Property as required by California Government Code Section 7267.2; and, be it

FURTHER MOVED, That notice is hereby given that the Board will hold the public hearing on the 7th day of October, 2003, beginning at 4:00 p.m., in the Legislative Chamber, City Hall, Second Floor, 1 Dr. Carlton B. Goodlett Place, in the City; and, be it

FURTHER MOVED, That at the public hearing, each person whose name and address appears for the Property on the City's last equalized tax assessment roll, and who, within fifteen (15) days after the Notice was mailed, has filed with the Clerk of the Board a written request to appear and be heard at the public hearing on the matters identified above, may do so; and, be it

FURTHER MOVED, That the Resolution must be adopted by a two-thirds vote of all of the members of the Board; and, be it

FURTHER MOVED, That at the close of the public hearing, the Board will vote to decide whether to adopt or not to adopt the Resolution.

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

City and County of San Francisco

Tails

Motion

File Number: 031550 **Date Passed:** September 23, 2003

Motion directing the Board of Supervisors to hold a public hearing on October 7, 2003, at 4:00 p.m. to consider adopting a resolution of necessity for the City's proposed acquisition by eminent domain for open space of Lot 001 in Assessor's Block 0074, in San Francisco.

September 23, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Daly, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Noes: 2 - Dufty, Hall

File No. 031550

I hereby certify that the foregoing Motion was APPROVED on September 23, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031573 MOTION NO. M03-176

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[Extending the San Francisco Zoo Audit Select Committee.]

Motion extending the San Francisco Zoo Audit Select Committee.

WHEREAS, The Board of Supervisors of the City and County of San Francisco established a San Francisco Zoo Audit Select Committee to review and implement recommendations of the Budget Analyst's performance audit of the San Francisco Zoo prepared for the Board of Supervisors in January 2000; and,

WHEREAS, The San Francisco Zoo Audit Select Committee held its initial meeting on June 3, 2003; now, therefore, be it

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby extend the San Francisco Zoo Audit Select Committee to meet for a period of 150 days from its initial meeting.

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031573 **Date Passed:** September 23, 2003

Motion extending the San Francisco Zoo Audit Select Committee.

September 23, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031573

I hereby certify that the foregoing Motion was APPROVED on September 23, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031599 MOTION NO. M03-177

[Adopting findings related to the tentative subdivision map appeal on property located at 600 Portola Drive.]

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving tentative map to authorize the construction of an eighteen unit new condominium mixed-use project at 600 Portola Drive (Lot 1 in Assessor's Block 2892).

The appellant, Man Poon, filed a timely appeal on August 7, 2003, protesting the approval by the Department of Public Works of a tentative map to authorize the construction of an eighteen unit new condominium mixed-use project at 600 Portola Drive. The public hearing before the Board of Supervisors on said appeal was scheduled for August 26, 2003. On August 26, 2003, the Board of Supervisors opened the duly noticed public hearing, but had questions related to the proposed project and its impact on the appellant. The Board continued the public hearing to September 16, 2003, in order to allow for additional information to be presented to the Board, and to allow for additional consideration of the issues raised by the appellant.

Following the conclusion of the public hearing on September 16, 2003, the Board approved the decision of the Department of Public Works, and approved the Tentative Subdivision Map to authorize the construction of an eighteen unit new condominium mixed-use project in Lot 1 of Assessor's Block 2892 located at 600 Portola Drive, subject to all of the conditions imposed by the reviewing City Departments.

In reviewing the appeal of the approval of the tentative map this Board reviewed and considered the written record before the Board and all of the public comments made in support of and in opposition to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and

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County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Department of Public Works, the Department of City Planning, and the Department of Building Inspection in their review and approval of the proposed tentative map. In particular, the Board finds that the tentative map complies with applicable provisions of the Planning Code. In addition, on balance, the tentative map is consistent with the General Plan and the priority Policies of Planning Code Section 101.1, based on the findings made in the record. The Board further notes that the proposed project received environmental review by the Planning Department, and that the Board further finds that there have been no substantial project changes, no substantial changes in project circumstances, and no new information of substantial importance that would change the conclusions reached in the environmental review.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, approved the decision of the Department of Public Works and approved the tentative map on property located at 600 Portola Drive (Lot 1 in Assessor's Block 2892), subject to all of the conditions imposed by the reviewing City Departments.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031599 **Date Passed:** September 30, 2003

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving tentative map to authorize the construction of an eighteen unit new condominium mixed-use project at 600 Portola Drive (Lot 1 in Assessor's Block 2892).

September 19, 2003 Board of Supervisors — REFERRED: Board of Supervisors

September 30, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Ammiano

File No. 031599

I hereby certify that the foregoing Motion was APPROVED on September 30, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031615 MOTION NO. M03-178

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[Establishing City Planning Audit Select Committee.]

Motion creating a City Planning Audit Select Committee.

MOVED, That the Board of Supervisors of the City and County of San Francisco does hereby establish a City Planning Audit Select Committee to review and implement recommendations of the Budget Analyst's performance audit of the Department of City Planning prepared for the Board of Supervisors in June 2002; and, be it

FURTHER MOVED, That the City Planning Audit Select Committee may meet for a period of 120 days from its initial meeting.

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031615 **Date Passed:** September 30, 2003

Motion creating a City Planning Audit Select Committee.

September 30, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 2 - Ammiano, Ma

File No. 031615

I hereby certify that the foregoing Motion was APPROVED on September 30, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Amended at Board 09/30/03

FILE NO. 031625 MOTION NO. M03-179

[Adopting findings related to the conditional use appeal on property located at 2026 Lombard Street.]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0497C (which allowed the construction of an approximately 49,000 square foot, 97 room tourist hotel with 78 off-street parking spaces on a lot containing approximately 13,600 square feet), pursuant to Planning Code Section 712.11, 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, located at 2026 Lombard Street, north side, between Fillmore and Webster Street (Lot 025 in Assessor's Block 0492).

/30/03

The appellant, Stephen M. Williams, Esq., filed a timely appeal on July 14, 2003 ~~August 12, 2003~~, protesting the approval by the Planning Commission of an application for a conditional use authorization (Conditional Use Application No. 2002.0497C), to allow the construction of an approximately 49,000 square foot, 97 room tourist hotel with 78 off-street parking spaces on a lot containing approximately 13,600 square feet) pursuant to Planning Code Section 712.11, 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, located at 2026 Lombard Street, north side, between Fillmore and Webster Street (Lot 025 in Assessor's Block 0492).

The public hearing before the Board of Supervisors on said appeal was scheduled for August 12, 2003, On August 12, 2003, the Board continued the public hearing to September 16, 2003. On September 16, 2003, the Board conducted a duly noticed hearing on the appeal from the Planning Commission's approval referred to in the first paragraph of this motion Following the conclusion of the public hearing on September 16, the Board disapproved the decision of the Planning Commission (Planning Commission Motion No. 16596, dated June

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12, 2003) and approved the issuance of requested Conditional Use Application No. 2002.0497C, subject to the conditions imposed by the Planning Commission, and further subject to additional conditions imposed by the Board of Supervisors.

In reviewing the appeal of the approval of the requested conditional use authorization, this Board reviewed and considered the written record before the Board and all of the public comments made in support of and in opposition to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 16596, dated June 12, 2003, except as indicated below.

FURTHER MOVED, That on September 16, 2003, the Board of Supervisors conducted a noticed public hearing on an appeal of the Planning Commission's certification of the Final Mitigated Negative Declaration for this proposed Project. Following the completion of the appeal hearing on September 16, 2003, the Board affirmed the Planning Commission's adoption of the Mitigated Negative Declaration. The Board of Supervisors also certified, at the September 16 meeting, that it had reviewed the Final Mitigated Negative Declaration relating to the proposed Project and adopted as its own the findings of the Planning Commission. The Board further finds that there have been no substantial Project changes, no substantial changes in Project circumstances, and no new information of substantial importance that would change the conclusions set forth in the Final Mitigated Negative Declaration that the proposed Project would have no significant impact on the environment.

FURTHER MOVED, That at the September 16, 2003, public hearing on this appeal several members of the public testified that the Project, as proposed, was too massive in design; that its bulk would not be consistent with the neighboring buildings; that adjacent buildings, especially to the rear of the Project, were considerably shorter and less bulky in design; that the proposed Project would cast more extensive shadows onto adjacent properties; and that the Project, as proposed, would create issues of lateral support failure for adjacent property owners.

FURTHER MOVED, That on September 16, 2003, the Board of Supervisors disapproved the decision of the Planning Commission by its Motion No. 16596, which approved Conditional Use Application No. 2002.0497C, and approved the requested Conditional Use Authorization subject to the conditions imposed by the Planning Commission, and further subject to the following additional conditions imposed by the Board:

1. The fourth floor of the proposed Project shall be further revised to delete from the rear portion of the fourth floor of the building an additional twenty feet, in addition to the feet previously removed from the rear portion of the fourth floor by the Planning Commission.

2. The third floor of the proposed Project shall be further revised to delete from the rear portion of the third floor of the building an additional ten feet, in addition to the feet previously removed from the rear portion of the third floor by the Planning Commission.

3. The City and County of San Francisco and its officers and employees shall be named as additional insureds in insurance policies to be obtained for the proposed construction work related to this Project.

4. Rigid wall support is required for all of the excavation work performed at the construction site.

5. Pump testing and data reporting (to the City) for the construction site is required.

6. If permittees receive permission to enter the property of adjacent property owners during construction of the Project, then all structures on the adjacent property shall be underpinned. If permittees do not receive permission to enter the property of adjacent property owners during construction of the Project, then the permittees shall provide rigid shoring of the adjacent property at the construction site, including the use of pre-stressed

materials

7. No permits for work on the Project construction site shall be issued until the Project has received Structural Advisory Committee peer review.

FURTHER MOVED, That the Board of Supervisors finds that findings made by the Planning Commission that the Project, as approved by the Commission, complies with the criteria of Planning Code Section 303 are incorrect and without substantiation for the following reasons:

(1) The Project, at the size and intensity contemplated in the Commission approved design, will not provide a development that is necessary or desirable, or compatible with, the neighborhood or the community. As stated in the Commission's decision, the rear of the subject property abuts several lots lying in two different zoning Districts, the NC-2 (Small Scale Neighborhood Commercial) and RH-3 (Residential, House, Three family). These lots are primarily higher density residential (12-24) apartments with several single and two family dwellings as well. Building heights in the area range from 20 to approximately 40 feet, with taller buildings common along Lombard Street and along nearby Chestnut Street. The proposed Project would replace a two-story hotel/motel with a four-story hotel, with the square footage of the new structure increasing from the 8,630 square feet of the current structure to 49,000 square feet for the new structure. The Project, as approved, is not designed to fit well within the context and mitigate its larger size. The rear building walls, which will be immediately adjacent to less intensive uses, including residential uses, will be at the property line on the ground floors, and would be set back by ten feet on the third floor, and ~~twenty~~ ten feet on the fourth floor in the Commission's approved proposal. Even with these setbacks on the third and fourth floors, the overall impact of the building in the rear will be to create a massive and bulky structure (with windows included) immediately adjacent to residential units, creating a loss of air and light, as well as privacy. The building, as approved by the Commission, will

/30/03

overwhelm and dominate the rear properties and residential units with the new construction

(2) The Project, as proposed, must provide adequate protection for the safe lateral support of adjacent properties, especially considering the size of the construction and excavation that will take place on the property. Without adequate lateral support, serious damage to persons and structures on adjacent properties may occur. The Planning Commission's decision did not adequately address this significant concern, which was stated by many of the public speakers, and was supported with testimony and information provided by professional consultants. The Board is unable to find that the Project, as proposed, is not detrimental, during both construction and after construction, to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity.

FURTHER MOVED, That with the imposition of the additional conditions stated above, the Board will be reducing the bulk of the Project by eliminating from the rear of the top two floors of the building that part of those two floors that are immediately adjacent to neighboring parcels that include residential units. This will reduce the bulk of the building, and revise the building so that it will more closely resemble the bulk and mass of buildings to the rear of the Project. This modification to the Project will also reduce the loss of light and air, and privacy to the rear properties adjacent to the building. With the imposition of the construction and geotechnical conditions the Board is taking steps intended to protect the applicant's property, as well as the property of adjacent property owners, and to protect the safety of persons living, working and visiting in the immediate area of the Project.

FURTHER MOVED, That with the imposition of the additional conditions, as listed above, the Board of Supervisors finds that the Project, as revised, will meet the requirements of Planning Code Section 303. The revised Project will provide a development that is necessary or desirable for, and compatible with, the neighborhood or the community, and that such use will not be detrimental to the health, safety, convenience or general welfare of persons residing or working in the vicinity, or injurious to property, improvements or potential development in the vicinity, and that such use will not adversely affect the General Plan.

FURTHER MOVED, That, on balance, the Project, as revised by the Board of Supervisors, is consistent with the objectives and policies of the General Plan, and is consistent with the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, disapproved the decision of the Planning Commission by its Motion No. 16596, dated June 12, 2003, and approved the issuance of Conditional Use Application No. 2002.0497C on property located at 2026 Lombard Street, subject to the conditions imposed by the Planning Commission and the additional conditions imposed by the Board of Supervisors on September 16, 2003, as referred to earlier in this motion.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031625 **Date Passed:** September 30, 2003

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Application No. 2002.0497C (which allowed the construction of an approximately 49,000 square foot, 97 room tourist hotel with 78 off-street parking spaces on a lot containing approximately 13,600 square feet), pursuant to Planning Code Section 712.11, 712.21, 712.55 and 303, in an NC-3 (Moderate Scale Neighborhood Commercial) District and a 40-X Height and Bulk District, located at 2026 Lombard Street, north side, between Fillmore and Webster Street (Lot 025 in Assessor's Block 0492).

September 24, 2003 Board of Supervisors — REFERRED: Board of Supervisors

September 30, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ammiano
Excused: 1 - Newsom

File No. 031625

I hereby certify that the foregoing Motion was APPROVED on September 30, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031626 MOTION NO. M03-180

[Adopting findings related to the conditional use appeal on property located at 378 10th Avenue (also known as 389 9th Avenue and/or 4500 Geary Boulevard.]

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 2002.0430C (which approved the installation of six panel antennas and related equipment on an approximately 53-foot tall commercial building as part of the AT&T Wireless Services telecommunications network within an NC-3 (Moderate-Scale Neighborhood Commercial Zoning) District and a 40-X Height and Bulk District), pursuant to Section 712.83 of the Planning Code, on property located at 378 10th Avenue (also known as 389 9th Avenue and/or 4500 Geary Boulevard), on the northwest corner of 9th Avenue and Geary Boulevard (Lot 035 in Assessor's Block 1441).

The appellant, Betty Chiao, filed a timely appeal on August 15, 2003, protesting the approval by the Planning Commission of an application for a conditional use authorization (Conditional Use Application No. 2002.0430C), which approved the installation of six panel antennas and related equipment on an approximately 53-foot tall commercial building as part of the AT&T Wireless Services telecommunications network within an NC-3 (Moderate-Scale Neighborhood Commercial Zoning) District and a 40-X Height and Bulk District), pursuant to Section 712.83 of the Planning Code, on property located at 378 10th Avenue (also known as 389 9th Avenue and/or 4500 Geary Boulevard), on the northwest corner of 9th Avenue and Geary Boulevard (Lot 035 in Assessor's Block 1441).

The San Francisco Planning Commission adopted the Wireless Telecommunications Services ("WTS") Facilities Siting Guidelines in August of 1996 ("Guidelines") to assist the Planning Department in its consideration of applications for conditional use authorization to install WTS facilities. These Guidelines are not binding on the Board of Supervisors. The

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Guidelines establish location preferences for installation of WTS facilities throughout the City. The location preferences set forth seven categories, with location preference one being the most preferred sites, and location preference seven being the most disfavored sites. This proposed site at 378 10th Avenue is within a location preference one because it is a publicly used structure and a collocation opportunity.

On September 16, 2003, the Board of Supervisors conducted a duly noticed public hearing on the appeal from the Planning Commission's approval of the conditional use authorization referred to in the first paragraph of this motion. Following the conclusion of the public hearing on September 16, 2003, the Board voted to disapprove the decision of the Planning Commission (Planning Commission Motion No. 16614 dated July 17, 2003) and denied the issuance of the requested Conditional Use Application No. 2002.0430C.

In considering the appeal of the approval of the requested conditional use authorization, the Board reviewed and considered the written record before the Board and all of the public comments made in support of and in opposition to the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Planning Commission in its Motion No. 16614 dated July 17, 2003, except as indicated below.

FURTHER MOVED, That the Board of Supervisors further took notice that the project was categorically exempt from environmental review as a Class I exemption under Title 14 of the California Administrative Code. The Board finds that there have been no substantial changes in project circumstances and no new information of substantial importance that would change the determination of categorical exemption issued by the Planning Commission.

FURTHER MOVED, That the Board of Supervisors finds that:

1. The written and oral information provided by the applicant to the Board was not persuasive or objectively verified, and the applicant was unable to demonstrate credibly that the proposed WTS facility is necessary for the neighborhood or the community, contrary to the requirements of Section 303(c)(1) of the Planning Code.

2. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that there is no necessity for the proposed WTS facility to be approved and installed for residential or business purposes in the neighborhood or the community because the proposed WTS facility will only be used to provide an unnecessary and redundant service in the geographic area of the proposed site. The written and oral information provided by the appellant and her supporters at the September 16, 2003, public hearing showed that other wireless service providers, and the applicant, have adequate service in the geographic area of the proposed WTS facility.

3. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission also supported the appellant's position that there is no necessity for the proposed WTS facility to be approved and installed for residential or business purposes in the neighborhood or the community because the proposed WTS facility is not necessary to meet the applicant's present service demands within the geographic service area defined by the applicant.

4. The written and oral information provided by the applicant at the September 16, 2003, public hearing showed that, according to the applicant, the proposed WTS facility would increase capacity and allow the applicant to offer

enhanced services.

5. Notwithstanding this information submitted by the applicant, the written and oral information provided by the appellant and her supporters at the September 16, 2003, public hearing showed that the applicant had acceptable service in the geographic area of the proposed WTS facility from the applicant's nearby existing facility at 4300 Geary Boulevard (approximately two blocks away from the proposed site), as well as two other facilities in the surrounding area.

6. The public testimony at the public hearing and the public documentation submitted in support of the appellant's objections to the decision of the Planning Commission supported the appellant's position that the location of the proposed WTS facility is undesirable for the neighborhood or the community, contrary to the requirements of Section 303(c)(1) of the Planning Code. Persons owning more than 20% of the properties within 300 feet of the proposed site have subscribed to the appeal. Members of the public expressed overwhelming opposition to the proposed WTS facility during the September 16, 2003, hearing before the Board.

7. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will unreasonably discriminate against the applicant in favor of providers of functionally equivalent services.

8. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will limit or prohibit access to wireless telecommunications services in the geographic area of the proposed site.

9. There is nothing in the record to suggest that the Board's decision to disapprove the decision of the Planning Commission in this case will prevent the

filling of a significant gap in wireless telecommunications services provided to remote users of those services in the geographic area of the proposed site, whether those remote users obtain service from the applicant or from other wireless service providers serving the City.

10. There is nothing in the record to suggest that the applicant exhausted its search for alternative sites for the proposed WTS facility or that the proposed WTS facility would be the least intrusive means for the applicant to improve its service quality in the geographic area of the proposed site.

11. In the written and oral information provided at the September 16, 2003. public hearing, members of the public expressed concern that radio frequency emissions from the proposed WTS facility would have adverse health effects on persons residing in the vicinity. In making these statements, members of the public exercised their constitutional right to petition the government. However, there is evidence in the record that the proposed WTS facility would comply with Federal Communications Commission safety standards for radio frequency radiation exposure. Thus, in disapproving the decision of the Planning Commission and denying the issuance of the requested conditional use authorization, the Board has not relied on the public testimony or public documentation concerning this issue and the Board has not based its determination on such a ground.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs the Board of Supervisors finds that Finding 10 made by the Planning Commission was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility is not necessary for the neighborhood or the community. The neighborhood and the community are adequately served both by the applicant and by other wireless service providers from existing WTS facilities in the area of the proposed site.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 10 made by the Planning Commission were incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility is not desirable for and compatible with the neighborhood or the community. The construction of the proposed WTS facility would result in an additional intrusion of unnecessary, noticeable equipment into a neighborhood that contains residential property.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 11 made by the Planning Commission was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility is not in conformity with, and would not implement the policies of, the City's General Plan, in that the installation of the proposed WTS facility will not further any of the objectives referred to by the Planning Commission.

FURTHER MOVED, That based upon the findings made in the preceding paragraphs, the Board of Supervisors finds that Finding 12 made by the Planning was incorrect and without substantiation. The Board finds that the installation of the proposed WTS facility does not conform with the priority planning policies established by Section 101.1(b) of the Planning Code because the proposed WTS facility is not necessary to: (i) preserve and enhance existing neighborhood-serving retail uses and to preserve and enhance future opportunities for resident employment in and ownership of such businesses (see Section 101.1(b)(1)); (ii) conserve and protect existing housing and neighborhood character (see Section 101.1(b)(2)); (iii) preserve and enhance the City's supply of affordable housing (see Section 101.1(b)(3)); (iv) maintain a diverse economic base by protecting the City's industrial and service sectors from displacement due to commercial office development or to enhance future opportunities for resident employment and ownership in these sectors (see Section 101.1(b)(5)); (v) add to the City's preparedness to protect against injury and loss of life in an earthquake (see Section

101.1(b)(6)); (vi) preserve any landmarks and historic buildings (see Section 101.1(b)(7)); and (vii) protect City parks and open space and their access to sunlight and vistas from development (see Section 101.1(b)(8)).

FURTHER MOVED, That based upon the findings made in the preceding paragraphs the Board of Supervisors finds that Finding 13 made by the Planning Commission was incorrect and without substantiation, and the Board finds that the conditional use authorization would not promote the health, safety and welfare of the City, and will only add an unnecessary and redundant service, and will result in an additional intrusion of unnecessary, noticeable equipment into a neighborhood that contains a high proportion of residential units.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, disapproved the decision of the Planning Commission by its Motion No. 16614 dated February July 17, 2003, and denied the issuance of Conditional Use Authorization No. 2002.0430C.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031626 **Date Passed:** September 30, 2003

Motion adopting findings related to the appeal of the Planning Commission's approval of Conditional Use Authorization No. 2002.0430C (which approved the installation of six panel antennas and related equipment on an approximately 53-foot tall commercial building as part of the AT&T Wireless Services telecommunications network within an NC-3 (Moderate-Scale Neighborhood Commercial Zoning) District and a 40-X Height and Bulk District), pursuant to Section 712.83 of the Planning Code, on property located at 378 10th Avenue (also known as 389 9th Avenue and/or 4500 Geary Boulevard), on the northwest corner of 9th Avenue and Geary Boulevard (Lot 035 in Assessor's Block 1441).

September 24, 2003	Board of Supervisors — REFERRED: Board of Supervisors
September 30, 2003	Board of Supervisors — APPROVED
	Ayes: 10 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval Absent: 1 - Ammiano

File No. 031626

I hereby certify that the foregoing Motion was APPROVED on September 30, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

File No. 031626

FILE NO. 031650 MOTION NO. M03-181

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031650 **Date Passed:** October 7, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

October 7, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031650

I hereby certify that the foregoing Motion was APPROVED on October 7, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031668 MOTION NO. M03-182

[Final Map for a 7 Lot Airspace Subdivision Project]

Motion approving Final Map of Mission Place Phase 1, 250 King Street and 260 King Street, a Subdivision of Airspace, Lot 3, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of Mission Place Phase 1, Being a Subdivision of Airspace for Residential/Commercial Purposes", being a subdivision of Lot 3, Portion of Assessor's Block No. 8702, comprising 8 sheets, approved the 24th day of September, 2003, by Department of Public Works Order No.174,413, be and the same is hereby approved and adopted as the official Map of Mission Place Phase 1, 250 King Street and 260 King Street, A Subdivision of Airspace Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated September 4, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That the Redevelopment Agency in its letter dated September 5, 2003, stated that the project is in conformance with the Mission Bay North Redevelopment Plan.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031668 **Date Passed:** October 7, 2003

Motion approving Final Map of Mission Place Phase 1, 250 King Street and 260 King Street, a Subdivision of Airspace, Lot 3, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.

October 7, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031668

I hereby certify that the foregoing Motion was APPROVED on October 7, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031669 MOTION NO. M03-183

[Final Map for a 130 Unit Residential Condominium Project]

Motion approving Final Map of Mission Place Phase 2, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 5, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of Mission Place Phase 2, 250 King Street, a Residential Condominium Project", being a subdivision of Lot 5, Portion of Assessor's Block No. 8702, comprising 16 sheets, approved the 24th day of September, 2003, by Department of Public Works Order No.174,414, be and the same is hereby approved and adopted as the official Map of Mission Place Phase 2, 250 King Street, A Residential Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated September 4, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That the Redevelopment Agency in its letter dated September 5, 2003, stated that the project is in conformance with the Mission Bay North Redevelopment Plan.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031669 **Date Passed:** October 7, 2003

Motion approving Final Map of Mission Place Phase 2, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 5, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.

October 7, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031669

I hereby certify that the foregoing Motion was APPROVED on October 7, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031670 MOTION NO. M03-184

[Final Map for a 96 Unit Residential Condominium Project]

Motion approving Final Map of Mission Place Phase 3, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 6, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of Mission Place Phase 3, 250 King Street, a Residential Condominium Project", being a subdivision of Lot 6, Portion of Assessor's Block No. 8702, comprising 14 sheets, approved the 24th day of September, 2003 by Department of Public Works Order No.174,415, be and the same is hereby approved and adopted as the official Map of Mission Place Phase 3, 250 King Street, A Residential Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated September 4, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That the Redevelopment Agency in its letter dated September 5, 2003, stated that the project is in conformance with the Mission Bay North Redevelopment Plan.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Motion

File Number: 031670 **Date Passed:** October 7, 2003

Motion approving Final Map of Mission Place Phase 3, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 6, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.

October 7, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031670

I hereby certify that the foregoing Motion was APPROVED on October 7, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031671 MOTION NO. M03-185

[Final Map for a 65 Unit Residential Condominium Project]

Motion approving Final Map of Mission Place Phase 4, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 7, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of Mission Place Phase 4, 250 King Street, a Residential Condominium Project", being a subdivision of Lot 7, Portion of Assessor's Block No. 8702, comprising 13 sheets, approved the 24th day of September, 2003, by Department of Public Works Order No.174,416, be and the same is hereby approved and adopted as the official Map of Mission Place Phase 4, 250 King Street, A Residential Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated September 4, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That the Redevelopment Agency in its letter dated September 5, 2003, stated that the project is in conformance with the Mission Bay North Redevelopment Plan.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Motion

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File Number: 031671 **Date Passed:** October 7, 2003

Motion approving Final Map of Mission Place Phase 4, 250 King Street, a Residential Condominium Project, being a Subdivision of Lot 7, Assessor's Block No. 8702, and adopting findings pursuant to Planning Code Section 101.1.

October 7, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031671

I hereby certify that the foregoing Motion was APPROVED on October 7, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031672 MOTION NO. M03-186

[Final Map for a 6 Unit Residential Condominium Project]

Motion approving Final Map of 3615 20th Street, a Residential Condominium Project, being a Subdivision of Lot 74, Assessor's Block No. 3608, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 3615 20th Street, a Residential Condominium Project", being a subdivision of Lot 74, Portion of Assessor's Block No. 3608, comprising 4 sheets, approved the 1st day of October, 2003, by Department of Public Works Order No.174,422, be and the same is hereby approved and adopted as the official Map of 3615 20th Street, A Residential Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated April 30, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

JRM
John R. Martin, L.S.
County Surveyor

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Motion

File Number: 031672 **Date Passed:** October 7, 2003

Motion approving Final Map of 3615 20th Street, a Residential Condominium Project, being a Subdivision of Lot 74, Assessor's Block No. 3608, and adopting findings pursuant to Planning Code Section 101.1.

October 7, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031672

I hereby certify that the foregoing Motion was APPROVED on October 7, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031687 MOTION NO. M03- 187

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[Affirming the exemption issued for 701 Lombard Street]

Motion affirming the determination by the Planning Department that the acquisition of 701 Lombard Street is exempt from environmental review under the California Environmental Quality Act.

WHEREAS, On July 25, 2003, the Real Estate Division of the Administrative Services Department requested a determination from the Planning Department as to whether the acquisition of a vacant site containing approximately 4,116 square feet, at 701 Lombard Street was exempt from environmental review under the California Environmental Quality Act; and

WHEREAS, On August 5, 2003, the San Francisco Planning Department issued a determination that the acquisition of 701 Lombard Street was exempt from environmental review as a Class 16 exemption, which exempts from environmental review the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archeological resources and either the management plan for the park has not been prepared or the management plan proposes to keep the area in a natural condition or preserve the historical or archaeological resources. A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031686, and is incorporated by reference herein; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated September 25, 2003, Mr. James A. Reuben on behalf of Martin Coyne and Brian O'Flynn, owners of the real property located at 701 Lombard Street, filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around September 25, 2003; and

WHEREAS, On October 21, 2003, this Board held a duly noticed public hearing to consider the appeal of the determination; and

WHEREAS, This Board has reviewed and considered the determination, the appeal letters, the responses to concerns document that the Department prepared, and public testimony; and

WHEREAS, The determination files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors affirms the determination by the Planning Department that the acquisition of 701 Lombard Street is exempt from environmental review.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031687 **Date Passed:** October 21, 2003

Motion affirming the determination by the Planning Department that the acquisition of 701 Lombard Street is exempt from environmental review under the California Environmental Quality Act.

October 21, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Newsom

File No. 031687

I hereby certify that the foregoing Motion was APPROVED on October 21, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031722

MOTION NO. M03-189

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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File Number: 031722 **Date Passed:** October 21, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

October 21, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Daly

File No. 031722

I hereby certify that the foregoing Motion was APPROVED on October 21, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031732 MOTION NO. M03-190

[Final Map for a 6 Unit Residential Condominium Project]

Motion approving Final Map of 850 Corbett Avenue, a Residential Condominium Project, being a subdivision of Lot 7, Assessor's Block No. 2779, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 850 Corbett Avenue, a Residential Condominium Project", being a subdivision of Lot 7, Portion of Assessor's Block No. 2779, comprising 6 sheets, approved the 15th day of October, 2003 by Department of Public Works Order No. 174,451, be and the same is hereby approved and adopted as the Official Map of 850 Corbett Avenue, A Residential Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated April 24, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:	DESCRIPTION APPROVED:
Edwin M. Lee Director of Public Works	John R. Martin, L.S. County Surveyor

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Motion

City Hall
1 Dr. Carlton B. Goodlett Place
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File Number: 031732 **Date Passed:** October 28, 2003

Motion approving Final Map of 850 Corbett Avenue, a Residential Condominium Project, being a subdivision of Lot 7, Assessor's Block No. 2779, and adopting findings pursuant to Planning Code Section 101.1.

October 28, 2003 Board of Supervisors — APPROVED

Ayes: 11 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval

File No. 031732

I hereby certify that the foregoing Motion was APPROVED on October 28, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria Young /

Gloria L. Young
Clerk of the Board

FILE NO. 031762 MOTION NO. M03-191

[Adopting findings related to the appeal of the CEQA exemption determination by the Planning Department for 701 Lombard Street.]

Motion adopting findings related to the appeal of the determination by the Planning Department that the acquisition of 701 Lombard Street was exempt from the California Environmental Quality Act.

On August 5, 2003, the San Francisco Planning Department issued a determination that the acquisition of 701 Lombard Street ("the Project") was exempt from environmental review under the California Environmental Quality Act ("CEQA") as a Class 16 exemption, which exempts from environmental review the acquisition, sale, or other transfer of land in order to establish a park where the land is in a natural condition or contains historical or archeological resources and either the management plan for the park has not been prepared or the management plan proposes to keep the area in a natural condition or preserve the historical or archaeological resources. A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031686, and is incorporated by reference herein.

By letter to the Clerk of the Board of Supervisors dated September 25, 2003, Mr. James A. Reuben on behalf of Martin Coyne and Brian O'Flynn, owners of the real property located at 701 Lombard Street, filed an appeal of the determination to the Board of Supervisors, which the Clerk of the Board of Supervisors received on or around September 25, 2003.

On October 21, 2003, this Board held a duly noticed public hearing to consider the appeal of the determination. Following the conclusion of the public hearing, the Board affirmed the decision of the Planning Department on the use of an exemption for the acquisition of 701 Lombard Street, based on the written record before the Board in File

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No. 031687 , which is hereby declared to be a part of this motion as if set forth fully herein, as well as all of the testimony at the public hearing in support of and opposed to the appeal.

MOVED, That the Board of Supervisors finds that based on the evidence presented to it that the Project involves only the acquisition of the site at 701 Lombard Street for a park and does not involve a different project.

FURTHER MOVED, That the Board of Supervisors finds that based on the evidence provided to it by the Planning Department that the Project qualifies for a categorical exemption under CEQA under both CEQA Guidelines Section 15308, Class 8 and Section 15316, Class 16. A Class 8 exemption applies to Actions by Regulatory Agencies for Protection of the Environment and under guidelines adopted by the Planning Commission this exemption includes acquisition of urban open space. A Class 16 exemption applies to the Transfer of Ownership of Land in Order to Create Parks. Together, these classes of exemptions from CEQA provide that no environmental review is required when the City acquires land for the purpose of creating urban open space.

FURTHER MOVED, That the Board of Supervisors, after carefully considering the evidence presented, affirmed the determination of the Planning Department that the acquisition of 701 Lombard Street for a park is exempt from environmental review under CEQA.

City and County of San Francisco

Tails

Motion

City Hall
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File Number: 031762 **Date Passed:** October 28, 2003

Motion adopting findings related to the appeal of the determination by the Planning Department that the acquisition of 701 Lombard Street was exempt from the California Environmental Quality Act.

October 22, 2003 Board of Supervisors — REFERRED: Board of Supervisors

October 28, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Ammiano, Newsom

File No. 031762

I hereby certify that the foregoing Motion was APPROVED on October 28, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria Young

Gloria L. Young
Clerk of the Board

FILE NO. 031800 MOTION NO. M03-192

[Direction to Clerk of Board; vacancies in Board legislative assistant positions.]

Motion directing the Clerk of the Board of Supervisors to authorize filling vacancies in Board of Supervisors Legislative Offices immediately when a legislative assistant exercises her/his family leave rights and when legislative assistants depart with accrued vacation balances and directing the Clerk of the Board to introduce such appropriation measures as may be required to cover the costs of such temporary and/or permanent replacements.

MOVED, That the Board of Supervisors of the City and County of San Francisco hereby directs the Clerk of the Board of Supervisors to authorize filling vacancies in Board of Supervisors Legislative Offices immediately when a legislative assistant exercises her/his family leave rights and when legislative assistants depart with accrued vacation balances; and, be it

FURTHER MOVED, That the Board of Supervisors directs the Clerk of the Board to introduce such appropriation measures for Board consideration as may be required to cover the costs of such temporary and/or permanent replacements.

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Motion

File Number: 031800 **Date Passed:** November 4, 2003

Motion directing the Clerk of the Board of Supervisors to authorize filling vacancies in Board of Supervisors Legislative Offices immediately when a legislative assistant exercises her/his family leave rights and when legislative assistants depart with accrued vacation balances and directing the Clerk of the Board to introduce such appropriation measures as may be required to cover the costs of such temporary and/or permanent replacements.

November 4, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 1 - McGoldrick

File No. 031800

I hereby certify that the foregoing Motion was APPROVED on November 4, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031801 MOTION NO. M03-193

[Motion Directing Budget Analyst to Undertake Analysis of Information related to Proposition N/"Real Housing, Real Care" Implementation Plans.]

Motion directing the Office of Budget Analyst of the Board of Supervisors to analyze information submitted by the Director of Human Services and/or the Mayor's Office related to plans for implementation of Proposition N and/or "Real Housing, Real Care."

WHEREAS, the voters of San Francisco enacted Proposition N in November of 2002; and

WHEREAS, The Board of Supervisors passed and the Mayor signed "Real Housing, Real Care," which is based on Proposition N; and

WHEREAS, The Department of Human Services has indicated that it is preparing to implement some combination of these programs; now, therefore be it

MOVED, That the Board of Supervisors hereby directs the Office of Budget Analyst of the Board of Supervisors to analyze the information provided by the Department of Human Services, service providers and other stakeholders to report to the Board of Supervisors prior to the implementation date.

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Motion

City Hall
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File Number: 031801 **Date Passed:** November 4, 2003

Motion directing the Office of Budget Analyst of the Board of Supervisors to analyze information submitted by the Director of Human Services and/or the Mayor's Office related to plans for implementation of Proposition N and/or "Real Housing, Real Care."

November 4, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin, Sandoval
Absent: 1 - McGoldrick

File No. 031801

I hereby certify that the foregoing Motion was APPROVED on November 4, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031628 MOTION NO. M03-194

[Affirm certification of the final environmental impact report for the 201 Folsom Street Project.]

Motion affirming the Planning Commission certification of the final environmental impact report for the 201 Folsom Street Project.

WHEREAS, The project sponsor for a residential development at 201 Folsom Street, Assessor's Block 3746, Lot 1 and Assessor's Block 3745, Lots 1 and 8 (the "Project"), submitted its application for environmental review of the Project to the San Francisco Planning Department (the "Department"); and

WHEREAS, The Department created City Planning File No. 2000.1073E, subsequently determined that an environmental impact report was required for the Project, and provided public notice of that determination by publication in a newspaper of general circulation on July 21, 2001; and

WHEREAS, On September 14, 2002, the Department published a draft environmental impact report (the "DEIR") (State Clearinghouse Number 2001072092) and provided notice of the availability of the document for public review and comment. A copy of the DEIR is on file with the Clerk of the Board of Supervisors in File No. 031627;

WHEREAS, On November 26, 2002, the Planning Commission (the "Commission") held a duly noticed public hearing on the DEIR; and

WHEREAS, On December 2, 2002, the public comment period on the DEIR ended; and

WHEREAS, On June 9, 2003, the Department published a "Draft Summary of Comments and Responses" on the DEIR and distributed such document to the Commission and to all parties who commented on the DEIR. A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031627; and

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WHEREAS, On June 26, 2003 and September 4, 2003, the Commission, at a duly noticed public hearing, considered the certification of the final environmental impact report (the "FEIR"), which consists of the DEIR, the Draft Summary of Comments and Responses, and related documents; and

WHEREAS, On September 4, 2003, in Motion No. 16642, the Commission certified the FEIR finding that the contents of the FEIR and the procedures through which it was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act (Cal. Public Resources Code sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq., hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

WHEREAS, By said Motion No. 16642, the Commission found the FEIR reflected its independent judgment and analysis and was adequate, accurate, and objective, and certified the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31. Said Motion is on file with the Clerk of the Board in File No. 031627 and is incorporated by reference herein; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated September 23, 2003, Sue C. Hestor, on behalf of the Rincon Hill Residents Association and Baycrest Towers Residential Association, filed a timely appeal of the FEIR certification to the Board of Supervisors; and

WHEREAS, On October 21, 2003, this Board held a duly noticed public hearing to consider the appeal of the FEIR certification; and

WHEREAS, This Board has reviewed and considered the FEIR and heard testimony and received public comment regarding the adequacy of this document; and

WHEREAS, The FEIR files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street and are made part of the record before this Board by reference herein; and

WHEREAS, Since the Planning Commission action on the FEIR, there is no new information of significance that would require a substantial revision to the FEIR and necessitate recirculation of said document pursuant to CEQA Guideline section 15088.5; now, therefore, be it

MOVED, That based on substantial evidence in light of the whole record, this Board of Supervisors finds that: 1) the FEIR reflects its independent judgment and analysis and is adequate, accurate, and objective; 2) the FEIR's conclusions are correct; and 3) the findings contained in the Planning Commission certification are correct; and this Board hereby affirms the decision of the Planning Commission in its Motion No. 16642 to certify the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31, and adopts the findings contained in Planning Commission Motion No. 16642.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
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File Number: 031628 **Date Passed:** November 18, 2003

Motion affirming the Planning Commission certification of the final environmental impact report for the 201 Folsom Street Project.

October 21, 2003 Board of Supervisors — CONTINUED

Ayes: 6 - Dufty, Hall, Ma, Maxwell, Newsom, Peskin
Absent: 5 - Ammiano, Daly, Gonzalez, McGoldrick, Sandoval

November 18, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Sandoval
Noes: 2 - Daly, Peskin
Excused: 1 - Ammiano

File No. 031628

I hereby certify that the foregoing Motion was APPROVED on November 18, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

Gloria L. Young
Clerk of the Board

File No. 031628

FILE NO. 031632 MOTION NO. M03-195

[Affirm certification of the final environmental impact report for the 300 Spear Street Project.]

Motion affirming the Planning Commission certification of the final environmental impact report for the 300 Spear Street Project.

WHEREAS, The project sponsor for a residential development at 300 Spear Street, Assessor's Block 3746, Lot 1 and Assessor's Block 3745, Lots 1 and 8 (the "Project"), submitted its application for environmental review of the Project to the San Francisco Planning Department (the "Department"); and

WHEREAS, The Department created City Planning File No. 2000.1090E, subsequently determined that an environmental impact report was required for the Project, and provided public notice of that determination by publication in a newspaper of general circulation on July 21, 2001; and

WHEREAS, On September 14, 2002, the Department published a draft environmental impact report (the "DEIR") (State Clearinghouse Number 2001072091) and provided notice of the availability of the document for public review and comment. A copy of the DEIR is on file with the Clerk of the Board of Supervisors in File No. 031631; and

WHEREAS, On November 26, 2002, the Planning Commission (the "Commission") held a duly noticed public hearing on the DEIR; and

WHEREAS, On December 2, 2002, the public comment period on the DEIR ended; and

WHEREAS, On June 9, 2003, the Department published a "Draft Summary of Comments and Responses" on the DEIR and distributed such document to the Commission and to all parties who commented on the DEIR. A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031631; and

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WHEREAS, On June 26, 2003 and September 4, 2003, the Commission, at a duly noticed public hearing, considered the certification of the final environmental impact report (the "FEIR"), which consists of the DEIR, the Draft Summary of Comments and Responses, and related documents; and

WHEREAS, On September 4, 2003, in Motion No. 16643, the Commission certified the FEIR finding that the contents of the FEIR and the procedures through which it was prepared, publicized, and reviewed complied with the provisions of the California Environmental Quality Act (Cal. Public Resources Code sections 21000 et seq., hereinafter "CEQA"), the State CEQA Guidelines (Cal. Code of Regulations Title 14, sections 15000 et seq., hereinafter "CEQA Guidelines") and Chapter 31 of the San Francisco Administrative Code ("Chapter 31"); and

WHEREAS, By said Motion No. 16643, the Commission found the FEIR reflected its independent judgment and analysis and was adequate, accurate, and objective, and certified the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31. Said Motion is on file with the Clerk of the Board in File No. 031631 and is incorporated by reference herein; and

WHEREAS, By letter to the Clerk of the Board of Supervisors dated September 23, 2003, Sue C. Hestor, on behalf of the Rincon Hill Residents Association and Baycrest Towers Residential Association, filed a timely appeal of the FEIR certification to the Board of Supervisors; and

WHEREAS, On October 21, 2003, this Board held a duly noticed public hearing to consider the appeal of the FEIR certification; and

WHEREAS, This Board has reviewed and considered the FEIR and heard testimony and received public comment regarding the adequacy of this document; and

WHEREAS, The FEIR files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street and are made part of the record before this Board by reference herein; and

WHEREAS, Since the Planning Commission action on the FEIR, there is no new information of significance that would require a substantial revision to the FEIR and necessitate recirculation of said document pursuant to CEQA Guideline section 15088.5; now, therefore, be it

MOVED, That based on substantial evidence in light of the whole record, this Board of Supervisors finds that: 1) the FEIR reflects its independent judgment and analysis and is adequate, accurate, and objective; 2) the FEIR's conclusions are correct; and 3) the findings contained in the Planning Commission certification are correct; and this Board hereby affirms the decision of the Planning Commission in its Motion No. 16643 to certify the FEIR in compliance with CEQA, the State CEQA Guidelines, and Chapter 31, and hereby adopts the findings contained in Planning Commission Motion No. 16643.

City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
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File Number: 031632 **Date Passed:** November 18, 2003

Motion affirming the Planning Commission certification of the final environmental impact report for the 300 Spear Street Project.

October 21, 2003 Board of Supervisors — CONTINUED

Ayes: 7 - Dufty, Gonzalez, Hall, Ma, Maxwell, Newsom, Peskin
Absent: 4 - Ammiano. Daly, McGoldrick, Sandoval

November 18, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Sandoval
Noes: 2 - Daly, Peskin
Excused: 1 - Ammiano

File No. 031632

I hereby certify that the foregoing Motion was APPROVED on November 18, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 031784 MOTION NO. M03-196

[Tentative Subdivision Map]

Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a two unit new condominium project in Assessor's Block 2655, Lot 03, at 32 Uranus Terrace, San Francisco.

MOVED, That the decision of the Department of Public Works, dated October 20, 2003, affirming approval of Tentative Subdivision Map to legalize the construction of a two unit new condominium project within an RH-2 (Residential, House Two-Family) District and a 40-X Height and Bulk District, described as follows:

32 Uranus Terrace; Lot 03, in Assessor's Block No. 2655,

be and the same is approved.

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Tails

Motion

File Number: 031784 **Date Passed:** November 18, 2003

Motion approving decision of the Director of Public Works, approving Tentative Subdivision Map to legalize the construction of a two unit new condominium project in Assessor's Block 2655, Lot 03, at 32 Uranus Terrace, San Francisco.

November 18, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 1 - Sandoval
Excused: 1 - Ammiano

File No. 031784

I hereby certify that the foregoing Motion was APPROVED on November 18, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengs

fo Gloria L. Young
Clerk of the Board

FILE NO. 031786 MOTION NO. M03-197

[Tentative Subdivision Map]

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a two unit new condominium project in Assessor's Block 2655, Lot 03, at 32 Uranus Terrace, San Francisco.

MOVED, That the Clerk of the Board be and he/she is hereby directed to prepare findings relating to Tentative Subdivision Map to legalize the construction of a 18 unit new condominium mixed-use project at 32 Uranus Drive; Lot 03, in Assessor's Block No. 2655 for consideration by the Board at its next meeting.

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Motion

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File Number: 031786 **Date Passed:** November 18, 2003

Motion directing the Clerk of the Board to prepare findings relating to Tentative Subdivision Map to legalize the construction of a two unit new condominium project in Assessor's Block 2655, Lot 03, at 32 Uranus Terrace, San Francisco.

November 18, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin
Absent: 1 - Sandoval
Excused: 1 - Ammiano

File No. 031786

I hereby certify that the foregoing Motion was APPROVED on November 18, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulberg
for Gloria L. Young
Clerk of the Board

FILE NO. 031809 MOTION NO. M03-198

[Final Map for a 6 Unit Residential Condominium Project]

Motion approving Final Map of 52 Sheridan Street, A Residential Condominium Project, being a subdivision of Lot 34 in Assessor's Block No. 3519, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 52 Sheridan Street, A Residential Condominium Project", being a subdivision of Lot 34, Portion of Assessor's Block No. 3519, comprising 4 sheets, approved the 5th day of November, 2003 by Department of Public Works Order No. 174,500, be and the same is hereby approved and adopted as the Official Map of 52 Sheridan Street, A Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated April 26, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

fo Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Motion

File Number: 031809 **Date Passed:** November 18, 2003

Motion approving Final Map of 52 Sheridan Street, A Residential Condominium Project, being a subdivision of Lot 34 in Assessor's Block No. 3519, and adopting findings pursuant to Planning Code Section 101.1.

November 18, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Daly, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Gonzalez, Newsom
Excused: 1 - Ammiano

File No. 031809

I hereby certify that the foregoing Motion was APPROVED on November 18, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for
Gloria L. Young
Clerk of the Board

FILE NO. 031820 MOTION NO. M03-199

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty
BOARD OF SUPERVISORS

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Tails

Motion

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File Number: 031820 **Date Passed:** November 18, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

November 18, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Daly, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Gonzalez, Newsom
Excused: 1 - Ammiano

File No. 031820

I hereby certify that the foregoing Motion was APPROVED on November 18, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for
Gloria L. Young
Clerk of the Board

FILE NO. 031825 MOTION NO. M03-200

[Authorizing preparation of a written Proponent ballot argument and rebuttal argument on the Tax-deferred Transfer of Accrued Vacation, Sick Leave and Other Compensation to Employees Charter Amendment File No. 031547 on the March 2, 2004 ballot.]

Motion authorizing Supervisor Gerardo C. Sandoval to submit and sign a written Proponent argument and rebuttal argument for the Tax-deferred Transfer of Accrued Vacation, Sick Leave and Other Compensation to Employees Charter Amendment File No. 031547 for publication in the voter information pamphlet for the March 2, 2004 election.

WHEREAS, San Francisco Elections Code Sections 530 and 550 permit the Board of Supervisors, by motion, to authorize a Supervisor or Supervisors, or other duly assigned person, to sign and submit to the Director of Elections by the deadline date a written proponent or opponent argument and rebuttal argument for or against any ballot measure for publication in the voter information pamphlet, consistent with other provisions of the Municipal Elections Code; now, therefore, be it

MOVED, That the Board of Supervisors hereby authorizes the following Supervisor to submit and sign a written Proponent argument and rebuttal argument for Charter Amendment File No. 031547, which relates to Tax-deferred Transfer of Accrued Vacation, Sick Leave and Other Compensation to Employees:

Supervisor Gerardo C. Sandoval

FURTHER MOVED, That this authorization does not authorize the assignee to assign to any other person(s), under the provisions of Section 550(e) of the San Francisco Elections Code, the authority to submit a rebuttal argument.

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Tails

Motion

File Number: 031825 **Date Passed:** November 18, 2003

Motion authorizing Supervisor Gerardo C. Sandoval to submit and sign a written Proponent argument and rebuttal argument for the Tax-deferred Transfer of Accrued Vacation, Sick Leave and Other Compensation to Employees Charter Amendment File No. 031547 for publication in the voter information pamphlet for the March 2, 2004 election.

November 18, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Daly, Dufty, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 2 - Gonzalez, Newsom
Excused: 1 - Ammiano

File No. 031825

I hereby certify that the foregoing Motion was APPROVED on November 18, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for Gloria L. Young
Clerk of the Board

FILE NO. 031870 MOTION NO. M03-201

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health, and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty
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Motion

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File Number: 031870 **Date Passed:** November 25, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

November 25, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Dufty, Gonzalez, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Absent: 1 - Hall
Excused: 1 - Daly

File No. 031870

I hereby certify that the foregoing Motion was APPROVED on November 25, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 031895 MOTION NO. M03-202

[Adopting findings related to the tentative subdivision map appeal on property located at 32 Uranus Terrace.]

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving a tentative map that legalizes the proposed construction of a two unit new condominium project at 32 Uranus Terrace (Lot 3 in Assessor's Block 2655).

The appellants, James Romeo Holloway and Heinrich Mintrop, filed a timely appeal on October 23, 2003, protesting the approval by the Department of Public Works of a tentative map that legalizes the proposed construction of a two unit new condominium project. The public hearing before the Board of Supervisors on said appeal was scheduled for November 18, 2003. On November 18, 2003, the Board conducted the duly noticed public hearing. Following the conclusion of the public hearing the Board approved the decision of the Department of Public Works, and approved the Tentative Map, thereby legalizing the proposed construction of a two unit new condominium project in Lot 3 of Assessor's Block 2655, located at 32 Uranus Terrace, subject to all of the conditions imposed by the reviewing City Departments.

In reviewing the appeal of the approval of the tentative map this Board reviewed and considered the written record before the Board and all of the public comments made in support of, and in opposition to, the appeal.

NOW, THEREFORE, BE IT MOVED, That the Board of Supervisors of the City and County of San Francisco hereby adopts as its own and incorporates by reference herein, as though fully set forth, the findings made by the Department of Public Works, the Department of City Planning, and the Department of Building Inspection in their review and approval of the proposed tentative map. The Board finds that the tentative map complies with applicable

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provisions of the Planning Code, the Subdivision Map Act, and all other regulations governing the proposed construction of a new two unit condominium project. In addition, on balance, the tentative map is consistent with the General Plan and the priority Policies of Planning Code Section 101.1, based on the findings made in the record. The Board further notes that the proposed project received environmental review by the Planning Department, and was determined to be exempt from environmental review per Class 1 California Environmental Quality Act Guidelines. The Board further finds that there have been no substantial project changes, no substantial changes in project circumstances, and no new information of substantial importance that would change the conclusions reached in the environmental review.

FURTHER MOVED, That the Board of Supervisors, after carefully balancing the competing public and private interests, approved the decision of the Department of Public Works and approved the tentative map on property located at 32 Uranus Terrace (Lot 3 in Assessor's Block 2655), subject to all of the conditions imposed by the reviewing City Departments.

City and County of San Francisco

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Tails

Motion

File Number: 031895 **Date Passed:** November 25, 2003

Motion adopting findings related to the appeal of the decision of the Department of Public Works approving a tentative map that legalizes the proposed construction of a two unit new condominium project at 32 Uranus Terrace (Lot 3 in Assessor's Block 2655).

November 19, 2003 Board of Supervisors — REFERRED: Board of Supervisors

November 25, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Newsom, Peskin, Sandoval
Excused: 1 - Daly

File No. 031895

I hereby certify that the foregoing Motion was APPROVED on November 25, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for Gloria L. Young
Clerk of the Board

FILE NO. 031911 MOTION NO. M03-203

[Final Map for a 10 Unit Live/Work Condominium Project]

Motion approving Final Map of 993 Tennessee Street, A Live/Work Condominium Project, being a subdivision of Lot 19 in Assessor's Block No. 4108, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 993 Tennessee Street, A Live/Work Condominium Project", being a subdivision of Lot 19, Portion of Assessor's Block No. 4108, comprising 5 sheets, approved the 26th day of November, 2003 by Department of Public Works Order No. 174,532, be and the same is hereby approved and adopted as the Official Map of 993 Tennessee_Street, A Live/Work Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated December 12, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:	DESCRIPTION APPROVED:
Edwin M. Lee Director of Public Works	John R. Martin, L.S. County Surveyor

City and County of San Francisco

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031911 **Date Passed:** December 9, 2003

Motion approving Final Map of 993 Tennessee Street, A Live/Work Condominium Project, being a subdivision of Lot 19 in Assessor's Block No. 4108, and adopting findings pursuant to Planning Code Section 101.1.

December 9, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

File No. 031911

I hereby certify that the foregoing Motion was APPROVED on December 9, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for Gloria L. Young
Clerk of the Board

FILE NO. 031922 MOTION NO. M03-204

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Tails

Motion

File Number: 031922 **Date Passed:** December 9, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

December 9, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

File No. 031922

I hereby certify that the foregoing Motion was APPROVED on December 9, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay
for Gloria L. Young
Clerk of the Board

As Amended in Board 12/9/03

FILE NO. 031945 MOTION NO. M03-205

[Authorizing preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments approved by the Board of Supervisors for submittal to the voters at the March 2, 2004 Election]

Motion authorizing preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments approved by the Board of Supervisors for submittal to the voters at the March 2, 2004 election.

WHEREAS, San Francisco Elections Code Section 530 and 550 permit the Board of Supervisors, by motion, to authorize a Supervisor or Supervisors, or other duly assigned person, to sign and submit to the Director of Elections by the established deadline dates a written proponent or opponent argument and rebuttal argument for or against any ballot measure for publication in the voters information pamphlet, consistent with other provisions of the Municipal Elections Code; and

WHEREAS, The Board of Supervisors has submitted several Charter Amendments and other Measures to the voters at the March 2, 2004 Election in the City and County of San Francisco; and

WHEREAS, The Board of Supervisors wishes to authorize the sponsors of the following Charter Amendments to submit and sign written Proponent ballot arguments and rebuttal ballot arguments for submittal to the Director of Elections as follows:

Public Education Fund	Ammiano
Police Civilianization	Ammiano
Retirement Benefits for Domestic Partners	Ammiano

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Retirement Benefits DA, Public Defenders Public Defenders Investigators	Gonzalez, Sandoval
Reclassify Deputy Sheriffs	Ma
Production of City Records	McGoldrick
Military Compensation	Newsom
Tax Deferred Compensation	Sandoval

1w
12/9

WHEREAS, The Board Member(s) authorized to submit the Proponent ballot argument are required to submit their arguments to the Director of Elections no later than the deadline of noon, December 12, 2003, and the rebuttal ballot arguments no later than noon, December 16, 2003; now, therefore, be it

MOVED, That the Board of Supervisors hereby authorizes the sponsors of the measures as listed above to submit and sign written Proponent ballot arguments and rebuttal ballot arguments; and, be it

FURTHER MOVED, That the sponsors may authorize or assign any other person(s) under the provisions of the San Francisco Elections Code Section 550(e) the authority to submit the rebuttal arguments.

City and County of San Francisco

Tails

Motion

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File Number: 031945 **Date Passed:** December 9, 2003

Motion authorizing preparation of written Proponent ballot arguments and rebuttal ballot arguments for Charter Amendments approved by the Board of Supervisors for submittal to the voters at the March 2, 2004 election

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December 9, 2003 Board of Supervisors — AMENDED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

December 9, 2003 Board of Supervisors — APPROVED AS AMENDED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

File No. 031945

I hereby certify that the foregoing Motion was APPROVED AS AMENDED on December 9, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gullengos

for Gloria L. Young
Clerk of the Board

FILE NO. 031959 MOTION NO. M03-206

[Final Map for a 5 Unit Mixed Use Condominium Project]

Motion approving Final Map of 2773 Folsom Street, a Mixed Use Condominium Project, being a subdivision of Lot 27 Assessor's Block No. 3640, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 2773 Folsom Street, a Mixed Use Condominium Project", being a subdivision of Lot 27, Portion of Assessor's Block No. 3640, comprising 5 sheets, approved the 5th day of November, 2003 by Department of Public Works Order No. 174,501, be and the same is hereby approved and adopted as the Official Map of 2773 Folsom Street, A Mixed Use Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated September 20, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

FOR Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Motion

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File Number: 031959 **Date Passed:** December 9, 2003

Motion approving Final Map of 2773 Folsom Street, a Mixed Use Condominium Project, being a subdivision of Lot 27 Assessor's Block No. 3640, and adopting findings pursuant to Planning Code Section 101.1.

December 9, 2003 Board of Supervisors — APPROVED

Ayes: 10 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Excused: 1 - Newsom

File No. 031959

I hereby certify that the foregoing Motion was APPROVED on December 9, 2003 by the Board of Supervisors of the City and County of San Francisco.

Kay Gulbengay

for Gloria L. Young
Clerk of the Board

FILE NO. 031842 MOTION NO. M03-207

[Finding the negative declaration appeal for 701 Lombard Street timely.]

Motion finding the appeal of the negative declaration issued on January 15, 2003 for 701 Lombard Street timely filed.

WHEREAS, On December 21, 2002, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 701 Lombard Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On January 15, 2003, having received no appeal of the preliminary negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 701 Lombard Street ("negative declaration") in accordance with Administrative Code Section 31.11(h); and

WHEREAS, On November 6, 2003, the Clerk of the Board received a facsimile of an appeal of the negative declaration from the Telegraph Hill Dwellers Association ("Appellant"), with original correspondence received on November 10, 2003; and,

WHEREAS, The California Public Resources Code Section 21151(c) was amended effective January 1, 2003, to provide that negative declarations are appealable to the elected decision-making body, but the Board of Supervisors has not yet adopted specific procedures or time lines providing for appeals of such negative declarations; and

WHEREAS, The Board of Supervisor's held a duly noticed public hearing on November 25, 2003, to consider whether the appeal filed by Appellant was timely; and

WHEREAS, This Board reviewed and considered the written record before the Board and all of the public comments made in support of and opposed to the question of whether the appeal was timely; now, therefore, be it

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MOVED, This Board hereby finds that the appeal is timely filed.

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City and County of San Francisco

Tails

Motion

File Number: 031842 **Date Passed:** December 16, 2003

Motion finding the appeal of the negative declaration issued on January 15, 2003 for 701 Lombard Street timely filed.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 6 - Ammiano, Daly, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 4 - Dufty, Gonzalez, Hall, Ma
Excused: 1 - Newsom

File No. 031842

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031860 MOTION NO. M03-208

Preparation of findings related to the timeliness of the negative declaration appeal for 701 Lombard Street.]

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the negative declaration appeal for 701 Lombard Street.

WHEREAS, On December 21, 2002, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 701 Lombard Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On January 15, 2003, having received no appeal of the preliminary negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 701 Lombard Street ("negative declaration") in accordance with Administrative Code Section 31.11(h); and

WHEREAS, On November 6, 2003, the Clerk of the Board received a facsimile of an appeal of the negative declaration from the Telegraph Hill Dwellers Association ("Appellant"), with original correspondence received on November 10, 2003; and,

WHEREAS, The California Public Resources Code Section 21151(c) was amended effective January 1, 2003, to provide that negative declarations are appealable to the elected decision-making body, but the Board of Supervisors has not yet adopted specific procedures or time lines providing for appeals of such negative declarations; and

WHEREAS, The Board of Supervisor's held a duly noticed public hearing on November 25, 2003, to consider whether the appeal filed by Appellant was timely. Following the conclusion of the public hearing the Board rendered a decision on the timeliness of the negative declaration appeal based on the written record before the Board in File No. which is hereby declared to be a part of this motion as if set forth fully herein, as well as all of

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the testimony at the public hearing in support of and opposed to the hearing of the appeal; and

WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now therefore, be it

MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its decision on the timeliness of the negative declaration appeal for 701 Lombard Street.

City and County of San Francisco

Tails

Motion

City Hall
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File Number: 031860 **Date Passed:** December 16, 2003

Motion directing the Clerk of the Board to prepare findings related to the timeliness of the negative declaration appeal for 701 Lombard Street.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 6 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin, Sandoval
Noes: 4 - Dufty, Hall, Ma, Maxwell
Excused: 1 - Newsom

File No. 031860

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031862 MOTION NO. M03-209

[Reversing adoption of the negative declaration for 701 Lombard Street]

Motion reversing the Planning Department adoption of the final negative declaration for 701 Lombard Street.

WHEREAS, On December 21, 2002, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 701 Lombard Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On January 15, 2003, having received no appeal of the preliminary negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 701 Lombard Street ("negative declaration") in accordance with Administrative Code Section 31.11(h). A copy of said document is on file with the Clerk of the Board of Supervisors in File No. 031840 and is incorporated by reference herein; and

WHEREAS, On November 6, 2003, the Clerk of the Board received a facsimile of an appeal of the negative declaration from the Telegraph Hill Dwellers Association ("Appellant"), with original correspondence received on November 10, 2003; and

WHEREAS, This Board of Supervisor's held a duly noticed public hearing on November 25, 2003, to consider the negative declaration appeal filed by Appellant; and

WHEREAS, This Board has reviewed and considered the negative declaration and heard testimony, the appeal letter, a responses to concerns document prepared by the Planning Department and received public comment regarding the adequacy of this document; and

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WHEREAS, The negative declaration files and all correspondence and other documents have been made available for review by this Board and the public. These files are available for public review by appointment at the Planning Department offices at 1660 Mission Street, and are part of the record before this Board by reference herein; now, therefore, be it

MOVED, That this Board of Supervisors reverses the Planning Department's adoption of the negative declaration.

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031862 **Date Passed:** December 16, 2003

Motion reversing the Planning Department adoption of the final negative declaration for 701 Lombard Street.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 6 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin, Sandoval
Noes: 4 - Dufty, Hall, Ma, Maxwell
Excused: 1 - Newsom

File No. 031862

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031863 MOTION NO. M03-210

Preparation of findings to reverse adoption of the negative declaration for 701 Lombard Street.]

Motion directing the Clerk of the Board to prepare findings reversing the Planning Department adoption of the negative declaration for 701 Lombard Street.

WHEREAS, On December 21, 2002, the Environmental Review Officer of the Planning Department issued a preliminary mitigated negative declaration for 701 Lombard Street in accordance with the California Environmental Quality Act ("CEQA"), the CEQA Guidelines and San Francisco Administrative Code Chapter 31; and

WHEREAS, On January 15, 2003, having received no appeal of the preliminary negative declaration, the Environmental Review Officer of the Planning Department issued a final mitigated negative declaration for 701 Lombard Street ("negative declaration") in accordance with Administrative Code Section 31.11(h); and

WHEREAS, On November 6, 2003, the Clerk of the Board received a facsimile of an appeal of the negative declaration from the Telegraph Hill Dwellers Association ("Appellant"), with original correspondence received on November 10, 2003; and

WHEREAS, The Board of Supervisor's held a duly noticed public hearing on November 25, 2003, to consider the negative declaration appeal filed by Appellant. Following the conclusion of the public hearing the Board reversed the Planning Department's adoption of the negative declaration for 701 Lombard Street based on the written record before the Board as well as all of the testimony at the public hearing in support of and opposed to the appeal. Said Motion and written record is in the Clerk of the Board of Supervisors File No. and is incorporated herein as though set forth in its entirety; and

WHEREAS, In regard to said decision, this Board made certain findings specifying the basis for its decision; now therefore, be it

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MOVED, That this Board directs the Clerk of the Board to prepare the findings specifying the basis for its reversal of the Planning Department's adoption of the negative declaration for 701 Lombard Street.

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031863 **Date Passed:** December 16, 2003

Motion directing the Clerk of the Board to prepare findings reversing the Planning Department adoption of the negative declaration for 701 Lombard Street.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 6 - Ammiano, Daly, Gonzalez, McGoldrick, Peskin, Sandoval
Noes: 4 - Dufty, Hall, Ma, Maxwell
Excused: 1 - Newsom

File No. 031863

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031907 MOTION NO. M03-211

[Disapproving the categorical exemption issued for 937-939 Jackson Street.]

Motion disapproving the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion.

WHEREAS, On September 30, 2003, the Planning Department determined that the proposed work at 937-939 Jackson Street was exempt from review under the California Environmental Quality Act ("CEQA") pursuant to the categorical exemption contained in the CEQA Guidelines, 14 California Code of Regulations Section 15332 as an in-fill development project and pursuant to CEQA Guidelines Section 15061(b)(3) as a general rule exclusion; and,

WHEREAS, The Planning Department determined that proposed project met all of the conditions of CEQA Guidelines Section 15332 in that it is consistent with the General Plan, is located on a site of no more than five acres substantially surrounded by urban uses, has no value as a habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air quality or water quality, and could be adequately served by all required utilities and public services, as all of these issues are discussed in the Certificate of Determination of Exemption/Exclusion from Environmental Review contained in Board of Supervisors File No. 031905; and

WHEREAS, The Planning Department also determined that the proposed project would not have significant effects related to visual quality, shadow impacts, geology or hazardous materials, including asbestos and lead-based paint, as discussed in the Certificate of

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Determination of Exemption/Exclusion from Environmental Review contained in Board of Supervisors File No. 031905; and

WHEREAS, The Planning Department also determined that there were no unusual circumstances present which would preclude use of a categorical exemption, as set forth in the Certificate of Determination of Exemption/Exclusion from Environmental Review contained in Board of Supervisors File No. 031905; and

WHEREAS, The Planning Department further determined that the proposed work was excluded from environmental review under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed project would not have a significant effect on the environment, as set forth in the Certificate of Determination of Exemption from Environmental Review contained in Board of Supervisors File No. 031905; and

WHEREAS, On November 17, 2003 a group of residents and property owners in the vicinity of the project appealed the Planning Department's determination that the proposed project was exempt from CEQA review; and,

WHEREAS, On December 16, 2003 this Board held a duly noticed public hearing on the appeal and considered all of the testimony at the public hearing as well as all of the information contained in Board of Supervisors in File No. 031905, which is hereby declared to be a part of this motion as if set forth fully herein; now, therefore, be it

MOVED, This Board hereby disapproves the categorical exemption issued by the Planning Department.

City and County of San Francisco

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031907 **Date Passed:** December 16, 2003

Motion disapproving the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 7 - Ammiano, Daly, Gonzalez, Maxwell, McGoldrick, Peskin, Sandoval
Noes: 3 - Dufty, Hall, Ma
Excused: 1 - Newsom

File No. 031907

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031908 MOTION NO. M03-212

[Preparation of findings to disapprove categorical exemption issued for 937-939 Jackson Street]

Motion directing the Clerk of the Board to prepare findings disapproving the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion.

WHEREAS, On September 30, 2003, the Planning Department determined that the proposed work at 937-939 Jackson Street was exempt from review under the California Environmental Quality Act ("CEQA") pursuant to the categorical exemption contained in the CEQA Guidelines, 14 California Code of Regulations Section 15332 as an in-fill development project and pursuant to CEQA Guidelines Section 15061(b)(3) as a general rule exclusion; and,

WHEREAS, The Planning Department determined that proposed project met all of the conditions of CEQA Guidelines Section 15332 in that it is consistent with the General Plan, is located on a site of no more than five acres substantially surrounded by urban uses, has no value as a habitat for endangered, rare or threatened species, would not result in any significant effects relating to traffic, noise, air quality or water quality, and could be adequately served by all required utilities and public services, as all of these issues are discussed in the Certificate of Determination of Exemption/Exclusion from Environmental Review contained in Board of Supervisors File No. 031905; and

WHEREAS, The Planning Department also determined that the proposed project would not have significant effects related to visual quality, shadow impacts, geology or hazardous materials, including asbestos and lead-based paint, as discussed in the Certificate of

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Determination of Exemption/Exclusion from Environmental Review contained in Board of Supervisors File No. 031905; and

WHEREAS, The Planning Department also determined that there were no unusual circumstances present which would preclude use of a categorical exemption, as set forth in the Certificate of Determination of Exemption/Exclusion from Environmental Review contained in Board of Supervisors File No. 031905; and

WHEREAS, The Planning Department further determined that the proposed work was excluded from environmental review under CEQA Guidelines Section 15061(b)(3) because it can be seen with certainty that the proposed project would not have a significant effect on the environment, as set forth in the Certificate of Determination of Exemption from Environmental Review contained in Board of Supervisors File No. 031905; and

WHEREAS, On November 17, 2003 a group of residents and property owners in the vicinity of the project appealed the Planning Department's determination that the proposed project was exempt from CEQA review; and,

WHEREAS, On December 16, 2003 this Board held a duly noticed public hearing on the appeal and considered all of the testimony at the public hearing as well as all of the information contained in Board of Supervisors in File No. 031905, which is hereby declared to be a part of this motion as if set forth fully herein; and

WHEREAS, This Board has disapproved the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as in-fill development or is excluded from environmental review as a general rule exclusion; now, therefore, be it

MOVED, This Board directs the Clerk of the Board to prepare findings specifying the basis for its disapproval of the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California

Environmental Quality Act as in-fill development or is excluded from environmental review as a general rule exclusion.

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031908 **Date Passed:** December 16, 2003

Motion directing the Clerk of the Board to prepare findings disapproving the determination by the Planning Department that the proposed project located at 937-939 Jackson Street is categorically exempt from the California Environmental Quality Act as an in-fill development project and as a general rule exclusion.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Ammiano
Excused: 1 - Newsom

File No. 031908

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031909 **MOTION NO.** M03-213

[Final Map for a 80 Unit Residential / Commercial Condominium Project]

Motion approving Final Map of Shipley Square, A Residential / Commercial Condominium Project, being a subdivision of Lot 393 in Assessor's Block No. 3752, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of Shipley Square, A Residential / Commercial Condominium Project", being a subdivision of Lot 393, Portion of Assessor's Block No. 3752, comprising 8 sheets, approved the 3rd day of December, 2003 by Department of Public Works Order No. 174,546, be and the same is hereby approved and adopted as the Official Map of Shipley Square, 821 Folsom Street, A Residential / Commercial Condominium Project, and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated August 12, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

JRM
John R. Martin, L.S.
County Surveyor

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Tails

Motion

City Hall
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File Number: 031909 **Date Passed:** December 16, 2003

Motion approving Final Map of Shipley Square, A Residential / Commercial Condominium Project, being a subdivision of Lot 393 in Assessor's Block No. 3752, and adopting findings pursuant to Planning Code Section 101.1.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Newsom

File No. 031909

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031954 MOTION NO. M03-214

[Final Map for a 16 Unit Live/Work Condominium Project]

Motion approving Final Map of 68 Harriet Street, A Live/Work Condominium Project, being a subdivision of Lot 184 in Assessor's Block No. 3731, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 68 Harriet Street, A Live/Work Condominium Project", being a subdivision of Lot 184, Portion of Assessor's Block No. 3731, comprising 6 sheets, approved the 3rd day of December, 2003 by Department of Public Works Order No. 174,543, be and the same is hereby approved and adopted as the Official Map of 68 Harriet Street, A Live/Work Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated September 23, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

for Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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San Francisco, CA 94102-4689

Tails

Motion

File Number: 031954 **Date Passed:** December 16, 2003

Motion approving Final Map of 68 Harriet Street, A Live/Work Condominium Project, being a subdivision of Lot 184 in Assessor's Block No. 3731, and adopting findings pursuant to Planning Code Section 101.1.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Newsom

File No. 031954

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031955 MOTION NO. M03-215

[Final Map for a 16 Unit Live/Work Condominium Project]

Motion approving Final Map of 175 Russ Street, A Live/Work Condominium Project, being a subdivision of Lot 185 in Assessor's Block No. 3731, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 175 Russ Street, A Live/Work Condominium Project", being a subdivision of Lot 185, Portion of Assessor's Block No. 3731, comprising 6 sheets, approved the 3rd day of December, 2003 by Department of Public Works Order No. 174,540, be and the same is hereby approved and adopted as the Official Map of 175 Russ Street, A Live/Work Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated September 23, 2002, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

fo Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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Tails

Motion

File Number: 031955 **Date Passed:** December 16, 2003

Motion approving Final Map of 175 Russ Street, A Live/Work Condominium Project, being a subdivision of Lot 185 in Assessor's Block No. 3731, and adopting findings pursuant to Planning Code Section 101.1.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Newsom

File No. 031955

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031956 MOTION NO. M03-216

[Final Map for a 21 Unit Mixed-Use Condominium Project]

Motion approving Final Map of 350 Alabama Street, a Mixed-Use Condominium Project, being a subdivision of Lot 3, Assessor's Block No. 3967, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of 350 Alabama Street, a Mixed-Use Condominium Project", being a subdivision of Lot 3, Portion of Assessor's Block No. 3967, comprising 10 sheets, approved the 3rd day of December, 2003 by Department of Public Works Order No. 174,542, be and the same is hereby approved and adopted as the Official Map of 350 Alabama Street, A Mixed-Use Condominium Project; and, be it

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated February 18, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings; and, be it

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

A. Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

Tails

Motion

File Number: 031956 **Date Passed:** December 16, 2003

Motion approving Final Map of 350 Alabama Street, a Mixed-Use Condominium Project, being a subdivision of Lot 3, Assessor's Block No. 3967, and adopting findings pursuant to Planning Code Section 101.1.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Newsom

File No. 031956

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031963 MOTION NO. M03-217

[Final Map for an 8 Unit Residential Condominium Project]

Motion approving Final Map of Killarney Court # 1 – 8, 843 South Van Ness Avenue, A Residential Condominium Project, being a subdivision of Lot 22 in Assessor's Block No. 3594, and adopting findings pursuant to Planning Code Section 101.1.

MOVED, That the certain map entitled "Map of Killarney Court # 1- 8, 843 South Van Ness Avenue, A Residential Condominium Project", being a subdivision of Lot 22, Portion of Assessor's Block No. 3594, comprising 6 sheets, approved the 3rd day of December, 2003 by Department of Public Works Order No. 174,541, be and the same is hereby approved and adopted as the Official Map of Killarney Court # 1- 8, 843 South Van Ness Avenue, A Residential Condominium Project.

FURTHER MOVED, That the San Francisco Board of Supervisors adopts as its own and incorporates by reference herein as though fully set forth the findings made by the Planning Department, by its letter dated March 18, 2003, that the project intended by the map is consistent with the General Plan and the Priority Policies of Planning Code Section 101.1 based on the attached findings.

FURTHER MOVED, That approval of this map is also contingent upon compliance by the subdivider with all applicable provisions of the San Francisco Subdivision Code and amendments thereto.

RECOMMENDED:

Edwin M. Lee
Director of Public Works

DESCRIPTION APPROVED:

John R. Martin, L.S.
County Surveyor

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1 Dr. Carlton B. Goodlett Place
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Tails

Motion

File Number: 031963 **Date Passed:** December 16, 2003

Motion approving Final Map of Killarney Court # 1 – 8, 843 South Van Ness Avenue, A Residential Condominium Project, being a subdivision of Lot 22 in Assessor's Block No. 3594, and adopting findings pursuant to Planning Code Section 101.1.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Newsom

File No. 031963

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031976 MOTION NO. M03-218

[Declaration of Emergency]

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

WHEREAS, On March 15, 1993, the Mayor declared a local emergency to exist in connection with the AIDS epidemic and the high rate of HIV infection among injection drug users and the corresponding high rate of transmission of the disease; and

WHEREAS, The Mayor directed the Department of Public Health to take immediate steps to implement a needle exchange program in order to prevent the further spread of HIV infection; and

WHEREAS, The Board of Supervisors adopted a resolution concurring in the declaration of emergency and in the Mayor's directive to the Department of Public Health; and

WHEREAS, Government Code Section 8630 requires the Board of Supervisors to review the need for continuing the local emergency at least every 14 days; and

WHEREAS, The Mayor has determined that the conditions that gave rise to the need for the declaration of emergency still exist and that the need for the declaration of emergency continues; now, therefore, be it

MOVED, That the Board of Supervisors hereby concurs in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

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Supervisors Ammiano, Newsom, Daly, Peskin, McGoldrick, Maxwell, Dufty
BOARD OF SUPERVISORS

City and County of San Francisco

Tails

Motion

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1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031976 **Date Passed:** December 16, 2003

Motion concurring in the determination of the Mayor for the continued need for the declaration of emergency in connection with the needle exchange program.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 8 - Ammiano, Daly, Dufty, Gonzalez, Hall, Ma, Maxwell, Peskin
Absent: 2 - McGoldrick, Sandoval
Excused: 1 - Newsom

File No. 031976

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

FILE NO. 031864 MOTION NO. M03-219

[Appointment, Public Utilities Commission]

Motion approving the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2004.

WHEREAS, Pursuant to Charter Section 3.100, the Mayor has submitted a communication notifying the Board of Supervisors of the appointment of Ryan Brooks to the Public Utilities Commission, received by the Clerk of the Board on November 20, 2003; and

WHEREAS, Under Charter Section 3.100, the Board of Supervisors has the authority to reject the appointment by a two-thirds vote (eight votes) within thirty days following transmittal of the Mayor's Notice of Appointment, and the failure of the Board to reject the appointment by two-thirds vote within the thirty day time period shall result in the appointee continuing to serve as appointed; and

WHEREAS, The Board of Supervisors, by Motion 01-34, established a process to review the Mayor's appointment to the Public Utilities Commission; now, therefore, be it

MOVED, That the Board of Supervisors hereby approves the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2003

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City and County of San Francisco

Tails

Motion

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 031864 **Date Passed:** December 16, 2003

Motion approving the Mayor's appointment of Ryan Brooks to the Public Utilities Commission, for the term ending January 15, 2004.

December 16, 2003 Board of Supervisors — APPROVED

Ayes: 9 - Ammiano, Dufty, Gonzalez, Hall, Ma, Maxwell, McGoldrick, Peskin, Sandoval
Absent: 1 - Daly
Excused: 1 - Newsom

File No. 031864

I hereby certify that the foregoing Motion was APPROVED on December 16, 2003 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

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Bouch